

**ATTACHMENT J**

**Deposition of Sandra Wolfgang**

U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

\* \* \* \* \*

\*

LISA LAMBERT,

\*

Plaintiff

\* NO. :

vs

\* C.A. 96-247-Erie

SUPERINTENDENT

\*

WILLIAM WOLF, et al.,

\*

Defendants

\*

\*

\*

\* \* \* \* \*

DEPOSITION OF

SANDRA WOLFGANG

SEPTEMBER 9, 1998

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U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

\* \* \* \* \* \* \* \* \*  
\*  
SYLVIA VASQUEZ, \*

Plaintiff \* NO.:  
vs \* C.A. 96-429-Erie

SUPERINTENDENT \*

WILLIAM WOLF, et al., \*

Defendants \*

\* \* \* \* \* \* \* \* \*

DEPOSITION OF

SANDRA WOLFGANG

SEPTEMBER 9, 1998

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U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

\* \* \* \* \*

ROBIN PHILLIPS, \*

Plaintiff \* NO.:

vs \* C.A. 98-59-Erie

SUPERINTENDENT \*

WILLIAM WOLF, et al., \*

Defendants \*

\*

\*

\* \* \* \* \*

DEPOSITION OF  
SANDRA WOLFGANG  
SEPTEMBER 9, 1998

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	Page 2	Page 4
1	U.S. DISTRICT COURT	1 DEPOSITION
2	FOR THE WESTERN DISTRICT OF PENNSYLVANIA	2 OF
3	* * * * *	3
4	*	4 SANDRA WOLFGANG, taken on behalf of the
5	SYLVIA VASQUEZ,	5 Plaintiff herein, pursuant to the Rules
6	Plaintiff * NO.:	6 of Civil Procedure, taken before me, the
7	vs * C.A. 96-429-Erie	7 undersigned, Shannon C. Hagerty, a Court
8	SUPERINTENDENT *	8 Reporter and Notary Public in and for the
9	WILLIAM WOLF, et al., *	9 Commonwealth of Pennsylvania, at SCI
10	Defendants *	10 Cambridge Springs, Cambridge Springs,
11	*	11 Pennsylvania, on Wednesday, September 9,
12	* * * * *	12 1998, at 9:33 a.m.
13		13
14	DEPOSITION OF	14
15	SANDRA WOLFGANG	15
16	SEPTEMBER 9, 1998	16
17		17
18		18
19		19
20		20
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23	Any reproduction of this transcript is	23
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25	certifying agency.	25
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1	U.S. DISTRICT COURT	1 A P P E A R A N C E S
2	FOR THE WESTERN DISTRICT OF PENNSYLVANIA	2
3	* * * * *	3 JERE KRAKOFF, ESQUIRE
4	*	4 1705 Allegheny Building
5	ROBIN PHILLIPS,	5 429 Forbes Avenue
6	Plaintiff * NO.:	6 Pittsburgh, PA 15219
7	vs * C.A. 98-59-Erie	7 COUNSEL FOR PLAINTIFF
8	SUPERINTENDENT *	8
9	WILLIAM WOLF, et al., *	9 THOMAS HALLORAN, ESQUIRE
10	Defendants *	10 Pennsylvania Office of Attorney General
11	*	11 Litigation Section
12	*	12 564 Forbes Avenue
13	* * * * *	13 6th Floor
14		14 Pittsburgh, PA 15219
15	DEPOSITION OF	15 COUNSEL FOR DEFENDANT
16	SANDRA WOLFGANG	16
17	SEPTEMBER 9, 1998	17 ALSO PRESENT: Deputy Superintendent
18		18 Karmanic
19		19
20		20
21		21
22		22
23	Any reproduction of this transcript is	23
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EXHIBIT PAGE			Page 7	PROCEEDINGS	
1	3	PAGE		2	-----
2	4	NUMBER DESCRIPTION	IDENTIFIED	3	SANDRA WOLFGANG, HAVING FIRST BEEN DULY
3	5	NONE OFFERED		4	SWORN, TESTIFIED AS FOLLOWS:
4	6			5	-----
5	6			6	DIRECT EXAMINATION
6	7			7	BY ATTORNEY KRAKOFF:
7	8			8	Q. Would you state your name,
8	9			9	please?
9	10			10	A. My name is Sandra Wolfgang.
10	11			11	ATTORNEY HALLORAN:
11	12			12	For the purposes of
12	13			13	discovery only the parties have
13	14			14	agreed to attach two volumes of
14	15			15	deposition exhibits relating to
15	16			16	three cases, Lambert versus Wolf,
16	17			17	Vasquez versus Wolf and Phillips
17	18			18	versus Wolf. This is a
18	19			19	concession only for the purposes
19	20			20	of discovery and will not --- and
20	21			21	may be limited later at trial.
21	22			22	ATTORNEY KRAKOFF:
22	23			23	And we'll make it
23	24			24	explicit that as we've been doing
24	25			25	I think all along with these
25					

<p>1 depositions is that Mr. Halloran 2 will reserve all objections with 3 the exception of the form of the 4 question for trial. And make it 5 clear that since we're getting 6 into information that may or may 7 not be relevant to each of the 8 cases, that Mr. Halloran is 9 reserving any objection as to 10 relevance or any other objection 11 in connection with the 12 introduction of exhibits that may 13 pertain to one of the Plaintiffs, 14 but not to the other.</p> <p>15 ATTORNEY HALLORAN: 16 That's true for both the 17 exhibits and questions as they 18 relate to particular Plaintiffs.</p> <p>19 ATTORNEY KRAKOFF: 20 Right. Okay. We're 21 ready to begin.</p> <p>22 BY ATTORNEY KRAKOFF:</p> <p>23 Q. <b>We started your deposition I 24 guess a couple of months ago and what I'm 25 going to do is to --- because I don't</b></p>	<p>Page 10</p> <p>1 second one or the first one in 2 order to show a contradiction. 3 So this is going to supersede and 4 replace any previous deposition. 5 And the previous deposition will 6 be null and void for purposes of 7 this litigation.</p> <p>8 ATTORNEY HALLORAN: 9 That's fine.</p> <p>10 BY ATTORNEY KRAKOFF:</p> <p>11 Q. <b>Ms. Wolfgang, when did you begin 12 to work as a staff psychologist at SCI 13 Cambridge Springs?</b></p> <p>14 A. I was hired by the Department of 15 Corrections in February of 1993. I spent 16 three weeks at the training academy and I 17 started in the capacity of psychologist I 18 in March of 1993.</p> <p>19 Q. <b>And would you just summarize your 20 progression in terms of your position, 21 after you began to work at the prison.</b></p> <p>22 A. Well, within a year and a half we 23 hired two additional staff. I was 24 promoted to licensed psychologist 25 manager, I believe in '94, perhaps '95.</p>
<p>1 have the transcript. I'm going to 2 briefly cover some of the preliminary 3 questions again. I'm not doing this, so 4 that I can get a second crack at your 5 answers. I think that we barely began to 6 go into the substance of the testimony.</p> <p>7 ATTORNEY HALLORAN: 8 Can we also indicate for 9 the purpose of the record that a 10 release has been obtained, a 11 written release has been obtained 12 from each Plaintiff, that's 13 Lambert, Vasquez and Phillips, 14 permitting the disclosure of 15 psychological and psychiatric 16 information.</p> <p>17 ATTORNEY KRAKOFF: 18 And what I'll do so that 19 this will be fair, if this is 20 agreeable to you, let us have 21 this as the only deposition of 22 Ms. Wolfgang so that at a later 23 time if there's any consistency 24 between the first deposition and 25 this one, that I can't use the</p>	<p>Page 11</p> <p>1 Pretty much since the onset of my 2 employment I have functioned as the 3 department head for the psychological 4 services department here.</p> <p>5 Q. <b>Do you have any clerical staff 6 that performs work on your behalf in 7 terms of transcribing notes or other 8 things?</b></p> <p>9 A. I have access to clerical staff 10 that type the psychological evaluations, 11 that are done by my staff and in the last 12 eight months I've been given some 13 part-time clerical support from the 14 secretary who had been with and still is 15 the parenting department, who does filing 16 and copying for me. As far as 17 transcribing notes, we pretty much do our 18 notes handwritten.</p> <p>19 Q. <b>The DC-14 ---.</b></p> <p>20 A. Yeah. The cumulative adjustment 21 record forms.</p> <p>22 Q. <b>Right. Did you type those or did 23 somebody type those for you relative to 24 Lisa Lambert?</b></p> <p>25 A. I do not type progress notes. If</p>

	Page 14		Page 16
<p>1 they were typed, they were typed by      2 someone else.</p> <p>3 Q. Now, in your capacity as a staff      4 psychologist at Cambridge Springs, did      5 you provide individual therapy to      6 Cambridge Springs' inmates during the      7 years 1994, 1995 and 1996?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And in what year did you begin to      10 provide individual therapy for Cambridge      11 Springs' inmates?</p> <p>12 A. 1993.</p> <p>13 Q. And in your capacity as a staff      14 psychologist at Cambridge Springs, did      15 you see Cambridge Springs' inmates in      16 group therapy sessions during the years      17 --- between 1994 and 1996?</p> <p>18 A. Yes. Group counseling.</p> <p>19 Q. And in what year did you begin to      20 work with inmates in group counseling      21 encounters?</p> <p>22 A. I don't know for certain whether      23 we started doing groups as early as '93,      24 or whether it took us until 1994 to      25 actually get group programming underway.</p>		<p>1 never worked with Ms. Lambert in the      2 context of group therapy, group      3 counseling.</p> <p>4 Q. What about Robin Phillips?</p> <p>5 A. Robin Phillips has been in module      6 two of the sex offender program, probably      7 for about two years now.</p> <p>8 ATTORNEY HALLORAN:      9 Could we just clarify      10 when --- was that the first time      11 you had her in a group?</p> <p>12 A. Ms. Phillips?</p> <p>13 ATTORNEY HALLORAN:      14 Yes.</p> <p>15 A. Yes.</p> <p>16 ATTORNEY HALLORAN:      17 And that would have been      18 two years from September of '98?      19 A. Well, I'd have to --- I don't ---      20 I'm not going to swear as to the date.      21 I'd have to look in the records to      22 determine that.</p> <p>23 BY ATTORNEY KRAKOFF:</p> <p>24 Q. What about Sylvia Vasquez? Did      25 you see her within the framework of a</p>	
	Page 15		Page 17
<p>1 Q. All right. What groups between      2 the years, possibly 1993, but 1994, 1995      3 and 1996 did you operate? What kinds of      4 groups?</p> <p>5 A. Myself personally or my staff?</p> <p>6 Q. Yourself.</p> <p>7 A. Conclusive of my staff. I run a      8 couple of different treatment groups that      9 deal with the topic of co-dependency and      10 dysfunctional family systems. Somewhere      11 in either '94 or '95 we got our sex      12 offender program up and running. And I      13 run the second module of that program,      14 the relapse prevention module. Both of      15 those groups are more didactic, more      16 psychoeducational and then I also run a      17 therapeutic group that deals more      18 specifically with the individual lives of      19 the women that is a step above the      20 co-dependency group.</p> <p>21 Q. Do you have a recollection of      22 whether you saw Lisa Lambert within the      23 framework of any groups while she was an      24 inmate at Cambridge Springs?</p> <p>25 A. It is my recollection that I</p>		<p>1 group?</p> <p>2 A. No, sir, I did not.</p> <p>3 Q. Okay. Did you see Lisa Lambert      4 in the context of providing individual      5 therapy to her?</p> <p>6 A. Individual counseling.</p> <p>7 Q. What is the distinction between      8 individual counseling and individual      9 therapy?</p> <p>10 A. Therapy is more of an in-depth      11 process as opposed to counseling which is      12 less in depth and dealing with more here      13 and now issues and towards resolution of      14 those here and now issues, as opposed to      15 attempting to resolve lifelong      16 difficulties that are engraved in the      17 character.</p> <p>18 Q. Did you see Robin Phillips in the      19 context of providing individual      20 counseling or individual therapy?</p> <p>21 A. In the last year or so I have, in      22 fact, seen Ms. Robin Phillips      23 individually and that has been as an      24 adjunct to sex offender specific group      25 therapy. Those individual sessions have</p>	

	Page 18		Page 20
1 focused on her work in sex offender 2 specific treatment.		1 A. You mean the fact that she had 2 signed a release?	
3 Q. And Sylvia Vasquez, did you see 4 her in the context of either counseling 5 or in provision of individual therapy?		3 Q. Yes.	
6 A. I saw Ms. Vasquez for a series of 7 individual counseling sessions.		4 A. I became aware of that on Tuesday 5 of last week or Wednesday of last week.	
8 Q. Do you recall when --- the time 9 period you saw her?		6 Q. Did you take any steps to have 7 those records located and brought to 8 Cambridge Springs?	
10 A. I'm estimating here from memory.		9 A. No, sir, I did not.	
11 Q. Well, do you have her records 12 with you?		10 ATTORNEY HALLORAN: 11 Let me say --- I took 12 steps to have the records 13 located. I think they made a 14 mistake. What they sent me was 15 all the medical records and 16 didn't send the DC-14s. So they 17 are in the process of trying to 18 --- we're not objecting to 19 producing them. We'll produce 20 them as soon as we get them. The 21 Vasquez DC-14s, it's my 22 understanding were sent 23 overnight, yesterday. And I 24 realize that they didn't --- 25 hadn't sent the right records.	
17 ATTORNEY HALLORAN: 18 We're trying to get them. 19 I thought we had them and they 20 may be here this morning. I 21 think they were being lifelong.			
22 ATTORNEY KRAKOFF: 23 Okay. I'm going to 24 obviously reserve the right to 25 recall Ms. Wolfgang either today,			
	Page 19		Page 21
1 if we don't have them or for 2 tomorrow.		1 Ms. Wolfgang does have 2 recollection, independent 3 recollection of her treatment of 4 each of these Plaintiffs which 5 she's prepared to testify to.	
3 ATTORNEY HALLORAN: 4 I understand. As soon as 5 they come, if they come, we'll 6 give them to you.		6 And I understand that you 7 can recall her, if you wish to, 8 in light of the records that are 9 produced. It's Ms. Wolfgang's 10 recollection that the records 11 with regard to Lambert are maybe 12 very sketchy, because there 13 wasn't any department requirement 14 that written DC-14s be maintained 15 of your interviews or 16 conversations with patients at 17 the time or your inmates at the 18 time that she was having 19 discussions with Lambert.	
7 BY ATTORNEY KRAKOFF:		20 And it was also a time 21 when Ms. Lambert, I believe, was 22 in the RHU which also made it 23 more problematic in terms of 24 completing any written record 25 upon interview. So there may be	
8 Q. What about Robin Phillips? Do 9 you have her records?			
10 A. Robin Phillips' records should 11 all be here. She is in this institution 12 now.			
13 Q. And did you bring records 14 associated with Lisa Lambert?			
15 A. I have no records of Lisa 16 Lambert. Those records were relinquished 17 years ago when she left this institution.			
18 Q. Where were they relinquished to?			
19 A. To the records department. What 20 the records department does with them, 21 I'm not really certain.			
22 Q. Were you aware of the fact that 23 we had an authorization that was 24 furnished to Mr. Halloran in connection 25 with reviewing Lisa Lambert's records?			

	Page 22		Page 24
1 recollection of interviews that 2 Ms. Wolfgang has that won't be 3 reflected in any written record 4 because the requirements didn't 5 exist at the time of the 6 contacts.		1 response to her request and sent that 2 copy over to the corrections counselor. 3 There's also a possibility that I simply 4 responded to the request, sent it to the 5 inmate and didn't make a copy. In which 6 case there wouldn't be a copy of the 7 request or my response to the request in 8 the record necessarily.	
7 BY ATTORNEY KRAKOFF:		9 Q. Now, do you have a recollection 10 of what prompted the first contact from 11 Lisa Lambert, either directly by her or 12 through her counselor? What issue or 13 issues?	
8 Q. Do you adopt that testimony as 9 your testimony, what Mr. Halloran just 10 represented?		14 A. My recollection is that --- the 15 difficulties that were brought to my 16 attention initially with regard to Ms. 17 Lambert involved her having certain 18 feelings, possibly feelings of 19 frustration related to the perception on 20 her part that certain personnel within 21 the institution were not listening to 22 some of her concerns.	
11 A. Yes, sir.		23 Q. Do you recall scheduling a 24 meeting and, in fact, having a meeting 25 with her, a first meeting?	
12 Q. And was that information that Mr. 13 Halloran related now, information that 14 you had provided to him?			
15 A. Yes, sir.			
16 Q. Now, let me focus a while on Lisa 17 Lambert. You did see Lisa Lambert in 18 your capacity as a staff psychologist 19 while she was an inmate at Cambridge 20 Springs?			
21 A. Yes.			
22 Q. When did you begin to see her?			
23 A. My recollection is that it was 24 sometime in 1993, exactly when, I don't 25 know for certain.			
	Page 23		Page 25
1 Q. And do you recall why you saw her 2 in 1993, if, in fact, it was 1993? 3 Regardless of when it was, do you recall 4 why you saw her for the first time?		1 A. I don't remember the first 2 meeting very well at all and that's 3 honest. My memory is more with regard to 4 content over a series of meetings with 5 her both in one-to-one sessions in my 6 office and while she was maintained in 7 the restricted housing unit. I cannot 8 honestly say that I recall clearly our 9 first meeting and the specifics with 10 regard to content of that first meeting. 11 It's rather that my memory is more of a 12 kind of a gestalt of this woman's 13 concerns and what we discussed in the 14 context of our one-to-one interactions.	
5 A. I'm not certain whether I saw her 6 for the first time at her written request 7 or whether I saw her for the first time 8 because she was referred to me by her 9 corrections counselor. But I believe it 10 was one of those two possibilities. 11 Either she wrote to me personally 12 requesting to be seen or the counselor 13 made a referral asking that I see her.		15 Q. Let me show you --- perhaps Mr. 16 Halloran can show you a copy of Group 17 Exhibit Ten, which is a DC-14 cumulative 18 adjustment record and there's an entry 19 dated 9/1/94.	
14 Q. Would either a request by an 15 inmate to being seen or a referral by a 16 counselor be incorporated in the records 17 that you would maintain about an inmate?		20 A. Yes. 21 Q. And is that in your handwriting?	
18 A. If the counselor referred the 19 person, in all likelihood there would be 20 a form entitled the DC-97 form, which is 21 a snap-set kind of form and one of the 22 four copies would exist in the record. 23 If the inmate wrote to me personally, 24 there is a possibility that at that time 25 I copied the inmate's request and my		22 A. Yes, it is, sir. 23 Q. And it reads, Ms. Lambert 24 participating in individual therapy 25 sessions on 8/15 and 8/26/94?	

	Page 26	
1 A. Right.		Page 28
2 Q. Now, this is 1994 in September.		
3 Based upon your testimony this morning, I		
4 take it that while there is not a record		
5 of that, that you have an independent		
6 recollection of meeting with her sometime		
7 prior to September of 1994?		
8 A. Well, now that I see this I guess		
9 I question whether, in fact, I did see		
10 her in '93 or, in fact, I started seeing		
11 her in 1994. Because I do recall that		
12 she was maintained in this institution		
13 for quite a while before I started seeing		
14 her. And it may be that I didn't start		
15 seeing her until 1994.		
16 Q. Okay. And this is almost the end		
17 of 1994?		
18 A. Right.		
19 Q. This is September.		
20 ATTORNEY KRAKOFF:		
21 I'm sorry, Mr. Halloran?		
22 ATTORNEY HALLORAN:		
23 I was just going to note		
24 that the Group Exhibit Ten is a		
25 two-page exhibit which refers to		
	Page 27	
1 visits through October of '94.		Page 29
2 ATTORNEY KRAKOFF:		
3 Right. I was going to		
4 get to that.		
5 BY ATTORNEY KRAKOFF:		
6 Q. So maybe that August 15, 1994,		
7 was the first time that you saw Ms.		
8 Lambert?		
9 A. That may be, sir.		
10 Q. And you noted in here that she		
11 was participating in individual therapy		
12 sessions. You characterize that as		
13 therapy?		
14 A. Yes.		
15 Q. Okay. So it was more than		
16 counseling?		
17 A. I think I have a tendency to kind		
18 of use those interchangeably, although,		
19 they are not synonymous.		
20 Q. Okay. So therapy may not		
21 accurately describe what those sessions		
22 were in August of 1994?		
23 A. I think I would agree with that		
24 because I recall basically that we did		
25 not start out by doing a thorough		

	Page 30	Page 32
<p>1 can begin to break through some of those      2 defenses and become more adaptive in our      3 behavior now.</p> <p>4 Q. Now, is that something when you      5 do a lifeline, is that something you do      6 in connection with counseling or is that      7 something you do in connection when you      8 begin the process of individual therapy?</p> <p>9 A. That is something that right now      10 I'm doing pretty much in the context of      11 the advanced co-dependency group which is      12 a therapeutic group and that is therapy.</p> <p>13 Q. Okay. Back then did you prepare      14 lifelines in connection with mere      15 counseling as opposed to therapy?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you have a recollection of      18 whether you prepared a lifeline for Lisa      19 Lambert?</p> <p>20 A. I did not prepare a lifeline for      21 Lisa Lambert.</p> <p>22 Q. And you're sure of that?</p> <p>23 A. Yes, sir.</p> <p>24 Q. The concern that Lisa Lambert      25 expressed to you, I think it was early on</p>	<p>1 that to mean more than one rather than a      2 certain person?</p> <p>3 A. At the time when we first started      4 interacting one on one, her focus was on      5 Sergeant Raun.</p> <p>6 Q. Okay. Did she describe to you      7 what the harassment --- the nature of the      8 harassment that she said she was being      9 subjected to by Sergeant Raun?</p> <p>10 A. My recollection is that she had      11 indicated that he was staring at her in a      12 way that made her uncomfortable in the      13 dietary department while she was eating.</p> <p>14 Q. Anything else?</p> <p>15 A. Well, are we moving on here?</p> <p>16 Q. No, initially. Initially.</p> <p>17 A. Initially that's all I can      18 remember. I'm not saying that there      19 wasn't more, but without any written      20 documentation I couldn't be certain that      21 there was more than that.</p> <p>22 Q. Did she describe specific      23 episodes or incidents meaning dates or      24 occasions when Sergeant Raun was      25 allegedly staring at her?</p>	
<p>1 and correct me if I'm wrong, was that she      2 had a perception of having difficulty in      3 having certain feelings of frustration      4 related --- that she felt that certain      5 personnel were not listening to her      6 concerns; is that right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And was that early on in      9 her contact with you that she expressed      10 that feeling that certain personnel were      11 not listening to her concerns?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And do you have a recollection of      14 what the concerns were that she believed      15 personnel were not listening to her      16 about?</p> <p>17 A. My recollection is that she had      18 made some allegations regarding some      19 level of harassment that she was      20 subjected to identifying Sergeant Raun at      21 the time as someone who was harassing her      22 in the institutional setting.</p> <p>23 Q. Did she mention any other      24 personnel because you used the expression      25 certain personnel and at least I took</p>	<p>1 A. She may have done that, but I      2 certainly can't recall.</p> <p>3 Q. You can't recall the specific      4 episodes or you can't recall whether she      5 was specific about episodes? In other      6 words, was she giving you a general      7 allegation that Sergeant Raun was staring      8 at her in ways that made her feel      9 uncomfortable or did she give examples of      10 occasions when Sergeant Raun had      11 allegedly stared at her?</p> <p>12 A. She may have given me specific      13 examples, but I'm not able to say that      14 for certain.</p> <p>15 Q. Now, do you have a recollection      16 of whether you took notes early on when      17 she made these allegations or this      18 allegation about Sergeant Raun?</p> <p>19 A. I did not take notes. This is      20 pretty much the extent of my note taking.</p> <p>21 Q. Meaning Exhibit Ten, pages one      22 and two?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Was it your practice in or about      25 August of 1994 not to take notes when you</p>	Page 33

<p>1 had meetings with --- counseling meetings 2 with inmates?</p> <p>3 A. It was my practice to note that 4 the individual session did, in fact, 5 transpire and the date on which it 6 transpired or the dates. That's pretty 7 much what we were instructed to do by the 8 Harrisburg people.</p> <p>9 ATTORNEY HALLORAN: 10 And the format that 11 you're referring to was Exhibit 12 Ten of the deposition, this 13 format?</p> <p>14 A. Yes.</p> <p>15 BY ATTORNEY KRAKOFF: 16 Q. Now, who had instructed you to 17 limit your notes --- and I'm using the 18 term limit, to limit your notes to the 19 date of the session took place and the 20 name of the inmate who participated in 21 the session?</p> <p>22 A. Well, the chief of psychological 23 services at the time was very focused on 24 confidentiality and he had indicated in 25 the chief psychologist meetings that we</p>	<p>Page 34</p> <p>1 A. Yes. 2 Q. Now, what I'm asking is, did you 3 understand the chief psychologist to be 4 saying that the confidentiality was to be 5 vis-a-vis the inmate so that the inmate 6 wouldn't be able to read what had 7 occurred at the session? 8 A. No, sir. 9 Q. Okay. Because the inmate would 10 have been there. 11 A. My understanding, it was to 12 protect the interest of the inmate. 13 Q. Okay. From whom is my question? 14 Did the chief psychologist say who he was 15 attempting to ---? 16 A. No, he did not specify, sir. 17 Q. Okay. Now, you were a 18 psychologist prior to coming to Cambridge 19 Springs? 20 A. Yes, sir. 21 Q. Okay. And had you worked in --- 22 had you practiced as a psychologist 23 before coming to Cambridge Springs? 24 A. Yes, sir. 25 Q. Would you just identify the place</p>
<p>1 wanted to, you know, keep any notes of 2 individual therapy very brief and 3 basically identifying that it's taking 4 place and the date without really getting 5 into disclosure of content. And my 6 understanding was that this was because 7 we wanted confidentiality maintained. 8 Q. Confidentiality vis-a-vis the 9 inmate or confidentiality vis-a-vis third 10 parties or confidentiality vis-a-vis both 11 the inmate and third parties? Did he 12 explain to you who you were attempting to 13 maintain confidentiality against or from? 14 ATTORNEY HALLORAN: 15 I'm going to object to 16 the form of the question. 17 ATTORNEY KRAKOFF: 18 Let me rephrase the 19 question. 20 BY ATTORNEY KRAKOFF: 21 Q. Confidentiality, I take it, as 22 you understood it, meant that somebody 23 else other than at least yourself would 24 not become aware of the content of your 25 sessions; is that right?</p>	<p>Page 35</p> <p>1 or places where you had practiced 2 psychology prior to coming to Cambridge 3 Springs? 4 A. I started out my career employed 5 by DuBois Regional Medical Center where I 6 was employed as a mental health 7 therapist. I worked there for about five 8 and a half years. During the course of 9 those five and a half years, I became 10 licensed to practice psychology in the 11 State of Pennsylvania. My primary 12 responsibilities in that capacity were 13 psychological evaluations and individual 14 and group therapy with the inpatient 15 population of the psychiatric unit in 16 that hospital. 17 From there I took a position 18 employed by Clearfield Jefferson 19 Community Mental Health where I directed 20 a satellite clinic in Brookville, 21 Pennsylvania, which was outpatient and 22 was responsible for providing outpatient 23 psychiatric and psychological services to 24 the Brookville community. I had a 25 consulting psychiatrist. I had a small</p>

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1 staff. We did individual therapy  
 2 primarily with people in the community.  
 3 From there I moved to the State  
 4 of Ohio, okay, where I pretty much  
 5 relinquished my licensure status and was  
 6 employed by an agency called Parmadale  
 7 (phonetic), Incorporated, where I worked  
 8 for, oh, a little over a year in a  
 9 residential treatment setting with  
 10 adolescent sex offenders who were court  
 11 mandated to sex offenders specific  
 12 treatment.

13 From there I came back to the  
 14 State of Pennsylvania where I regained my  
 15 licensure status and was employed for  
 16 approximately a year and a half by  
 17 Lutheran Social Services, Bethesda  
 18 Children's Home where I worked as a  
 19 psychologist working with delinquent and  
 20 dependent youth.

21 Q. Did you provide individual  
 22 therapy there?

23 A. Yes, sir, I did. And from there  
 24 I came to this position.

25 Q. Now, in at least three of those

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1 A. Subjective is the quote from the  
 2 patient or the client. Objective is your  
 3 observations. A is your assessment and P  
 4 is your plan and that was the standard  
 5 format that I utilized during the years  
 6 that I worked for DuBois Regional Medical  
 7 Center.

8 Q. So in that context you did take  
 9 notes ---

10 A. Yes, sir.

11 Q. --- which would have reflected  
 12 the specific complaint or issues raised  
 13 by the patient; correct?

14 A. Yes, sir.

15 Q. And you would take notes about  
 16 your impressions based upon what the  
 17 patient either told you or what you  
 18 observed about the patient; correct?

19 A. Yes.

20 Q. And what else would you notes  
 21 include, the assessment?

22 A. Yes.

23 Q. And generically speaking what  
 24 kind of information would that include?

25 A. That may be one word and the word

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1 settings, DuBois, Brookville and Lutheran  
 2 Social Services, you provided individual  
 3 therapy; correct?

4 A. Yes, sir.

5 Q. Now, was it your practice in  
 6 those settings not to take substantive  
 7 notes about the content of your therapy  
 8 sessions?

9 A. I would say generally no.

10 Q. That it was your practice not to  
 11 take notes or the reverse?

12 A. No. When I worked for DuBois  
 13 Regional Medical Center, there was a  
 14 certain format that we utilized to do  
 15 progress notes when we had individual  
 16 contact with the inpatients there and  
 17 that format was very similar. It was  
 18 actually the same as the format that you  
 19 see in Ms. Phillips' records. Okay.

20 It's soap note format which is a pretty  
 21 standard kind of format required for  
 22 accreditation of hospitals, okay, when  
 23 you're doing that kind of work.

24 Q. You would include subjective  
 25 evaluation or subjective impressions?

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1 might be depressed.

2 Q. Okay. And then what was the P  
 3 for?

4 A. That stands for plan and that's  
 5 to speak to where do we go in terms of  
 6 interventions to assist this individual.

7 Q. And what about at Brookville, was  
 8 it similar?

9 A. We used the same format.

10 Q. Okay. And Lutheran Social  
 11 Services?

12 A. Lutheran Social Services I don't  
 13 believe that we used that format. That  
 14 format is more familiar to me in  
 15 community mental health and in hospital  
 16 settings. I don't think we used the soap  
 17 format, but I don't know that  
 18 definitively. I don't know.

19 Q. Do you have whether it was soap  
 20 or not? Were your notes limited to the  
 21 name of the person that you were  
 22 counseling and the date that the session  
 23 took place or did you include substantive  
 24 information related to the issues  
 25 discussed and your impressions and what

<p>1 your plans would be as far as treatment?</p> <p>2 A. I think I can reasonably say that</p> <p>3 in my prior employment settings that my</p> <p>4 notes were generally more substantive</p> <p>5 than what these are, sir.</p> <p>6 Q. Now, what was your understanding</p> <p>7 as a psychologist of the purpose or</p> <p>8 purposes to be served by having</p> <p>9 substantive notes related to sessions?</p> <p>10 A. So that you can look back and you</p> <p>11 can see what you did two weeks ago</p> <p>12 without having to keep that in your mind</p> <p>13 since memory is never perfect. Also so</p> <p>14 that it provides a written record of what</p> <p>15 transpired in the sessions.</p> <p>16 Q. Okay. Now, were you ordered by</p> <p>17 the chief psychologist not to take</p> <p>18 substantive notes or was that a</p> <p>19 recommendation as you understood it, one</p> <p>20 that you could either elect to follow or</p> <p>21 not to follow?</p> <p>22 ATTORNEY HALLORAN:</p> <p>23 Let me object to the form</p> <p>24 of the question because I don't</p> <p>25 want to confuse the question as</p>	<p>Page 42</p> <p>1 sometime prior to August of 1994, when</p> <p>2 the notes in Exhibit Ten ---</p> <p>3 A. Yes.</p> <p>4 Q. --- were prepared?</p> <p>5 A. Logically, yes.</p> <p>6 Q. Logically because you're drawing</p> <p>7 an inference since this entry didn't</p> <p>8 contain substantive notes that ---?</p> <p>9 A. It would have been prior to the</p> <p>10 entry, yes.</p> <p>11 Q. Now, was it your practice, with</p> <p>12 all of the women that you were seeing at</p> <p>13 the time you were seeing Ms. Lambert ---</p> <p>14 was it your practice to do as you did</p> <p>15 here, not to include substantive notes?</p> <p>16 A. I recall, sir, that at that</p> <p>17 particular time my memory is that the</p> <p>18 Department of Corrections as far as</p> <p>19 psychologically, psychiatric services was</p> <p>20 in a transitional state and that in the</p> <p>21 course of a couple of years, and I'm</p> <p>22 talking '94 and '95, that the direction</p> <p>23 that we were getting from Harrisburg was</p> <p>24 not entirely consistent. What I recall</p> <p>25 was that early in my career there was a</p>
<p>1 being --- are you directing the</p> <p>2 question with regard specifically</p> <p>3 to Ms. Lambert ---</p> <p>4 ATTORNEY KRAKOFF:</p> <p>5 No.</p> <p>6 ATTORNEY HALLORAN:</p> <p>7 --- or to her general</p> <p>8 practice?</p> <p>9 ATTORNEY KRAKOFF:</p> <p>10 Yes. The general</p> <p>11 practice.</p> <p>12 BY ATTORNEY KRAKOFF:</p> <p>13 Q. I'm going back to the time when</p> <p>14 you said that the chief psychologist had</p> <p>15 a meeting.</p> <p>16 A. I would say ordered is not the</p> <p>17 appropriate word. Okay. Recommended is</p> <p>18 the appropriate word.</p> <p>19 Q. Okay. And when that</p> <p>20 recommendation occurred, was that in 1993</p> <p>21 as best you can recall?</p> <p>22 A. I don't know if it was '93 or</p> <p>23 '94.</p> <p>24 Q. Is it your recollection that that</p> <p>25 recommendation would have occurred</p>	<p>Page 43</p> <p>1 great deal of emphasis on</p> <p>2 confidentiality, okay. And then</p> <p>3 somewhere along the line there with the</p> <p>4 Austin litigation we kind of switched</p> <p>5 from, say, less to, say, more and that</p> <p>6 the direction fluctuated and changed</p> <p>7 within a two to three-year period in the</p> <p>8 mid 1990s.</p> <p>9 Q. But your recollection is that the</p> <p>10 period that you were making entries in</p> <p>11 the cumulative adjustment record for Lisa</p> <p>12 Lambert, that during that time period</p> <p>13 it's your recollection that there was a</p> <p>14 recommendation that you not include</p> <p>15 substantive notes; is that correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And so that the circle is</p> <p>18 complete, the question that I put to you</p> <p>19 before I'll put to you again, were you</p> <p>20 consistently employing the practice of</p> <p>21 not including substantive notes with</p> <p>22 respect to all of the women that you were</p> <p>23 seeing here at Cambridge Springs?</p> <p>24 A. During this time period here?</p> <p>25 Q. Yes.</p>

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1 A. Yes.  
 2 Q. Okay. So Lisa Lambert was not an  
 3 exception?  
 4 A. Absolutely not, no.  
 5 Q. I'm sorry.

6 ATTORNEY HALLORAN:

7 I just wondered when you  
 8 said this time frame, you were  
 9 referring to Group Exhibit Number  
 10 Ten which refers to certain  
 11 sessions you conducted with Lisa  
 12 Lambert August through ---

13 ATTORNEY KRAKOFF:  
 14 October.

15 ATTORNEY HALLORAN:  
 16 --- October 1994?

17 A. Right.

18 BY ATTORNEY KRAKOFF:

19 Q. At this point, other than the two  
 20 documents in Exhibit Ten, you haven't  
 21 brought with you any other documents, is  
 22 that correct, associated with Lisa  
 23 Lambert?

24 A. That's correct.

25 Q. To make it clear there is one

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1 Q. So I'm going to ask you to think  
 2 as hard as you can and as clearly as you  
 3 can to try to reconstruct what occurred  
 4 in the sessions, what was said in the  
 5 sessions, not necessarily verbatim, but  
 6 at least the sum and substance of what  
 7 you recall about the sessions. Okay. So  
 8 at the inception, your recollection is  
 9 the first issue that Lisa brought to your  
 10 attention was an allegation that certain  
 11 personnel were not listening to her  
 12 concerns and the concerns, as you recall,  
 13 related to Sergeant Raun; correct?

14 A. Correct.

15 Q. Okay. Did she identify to you  
 16 who the personnel were? And by the way,  
 17 I want to correct something. I think in  
 18 an earlier question to you I said certain  
 19 personnel. You were referring to  
 20 personnel not listening to her as opposed  
 21 to alleged harassment by personnel. So I  
 22 don't want to mislead the record on that.  
 23 You hadn't said that she was complaining  
 24 about certain personnel harassing her,  
 25 you said that certain personnel were not

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1 other document. There may be more than  
 2 one, but there is one other document  
 3 incorporated in Exhibit Ten which is on  
 4 pages 13, 14 and 15, which I'm going to  
 5 question you about later, which appears  
 6 to be a letter --- memo from you.

7 ATTORNEY HALLORAN:

8 I was mistaken. I  
 9 thought Exhibit Ten was a  
 10 two-page exhibit. It's actually  
 11 a 15-page exhibit.

12 ATTORNEY KRAKOFF:

13 The two pages --- you  
 14 were correct, though. I mean,  
 15 the only two pages of cumulative  
 16 adjustment records, I think we're  
 17 on the first two pages.

18 ATTORNEY HALLORAN:

19 And we are attempting to  
 20 obtain the rest of the records,  
 21 but it's possible that there are  
 22 no other records.

23 ATTORNEY KRAKOFF:

24 That's what I understand.

25 BY ATTORNEY KRAKOFF:

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1 listening --- according to her  
 2 perception, were not listening to her  
 3 concerns about a staff member who was  
 4 allegedly harassing her; correct?

5 A. Correct.

6 Q. Okay. Did she identify ---?

7 ATTORNEY KRAKOFF:

8 Did I confuse you?

9 ATTORNEY HALLORAN:

10 I mean, I think the

11 record is clear that the

12 individual that she complained

13 about initially was Sergeant Raun

14 ---

15 ATTORNEY KRAKOFF:

16 Right.

17 ATTORNEY HALLORAN:

18 --- staring at her in the

19 dietary.

20 ATTORNEY KRAKOFF:

21 Right.

22 ATTORNEY HALLORAN:

23 I don't want to suggest

24 that there were other personnel,

25 at that time that she was

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<p>1 complaining about.</p> <p>2 ATTORNEY KRAKOFF:</p> <p>3 No. That's right and</p> <p>4 that's what I was clarifying.</p> <p>5 BY ATTORNEY KRAKOFF:</p> <p>6 Q. But she was complaining about</p> <p>7 personnel here not listening to her</p> <p>8 complaints or not treating her</p> <p>9 complaints, not listening to her</p> <p>10 concerns; is that correct?</p> <p>11 A. Yes. But at this point as I'm</p> <p>12 considering where you may be going here I</p> <p>13 would say that Charley Utts (phonetic) is</p> <p>14 probably the only one that I could</p> <p>15 identify with clear memory.</p> <p>16 Q. As a person who was not listening</p> <p>17 to her concerns?</p> <p>18 ATTORNEY HALLORAN:</p> <p>19 From her perception?</p> <p>20 ATTORNEY KRAKOFF:</p> <p>21 Yes. Right.</p> <p>22 A. From her perception, yes.</p> <p>23 BY ATTORNEY KRAKOFF:</p> <p>24 Q. Okay. And Utts was a deputy</p> <p>25 superintendent at that time?</p>	<p>1 Sergeant Raun, indication that she had</p> <p>2 taken these concerns and made them known</p> <p>3 to Deputy Utts and perhaps other</p> <p>4 personnel and that people were not, in</p> <p>5 her mind, listening, believing, perhaps</p> <p>6 doing what she felt that they needed to</p> <p>7 do.</p> <p>8 Q. Okay. Now, when she told you</p> <p>9 that, in her mind at least, Sergeant Raun</p> <p>10 was harassing her, did she tell you</p> <p>11 anything more than that he was staring at</p> <p>12 her, in her mind, inappropriately in the</p> <p>13 dietary area? I'm talking about at the</p> <p>14 inception of your meetings with her?</p> <p>15 A. She may have, but I do not recall</p> <p>16 specifically if she did.</p> <p>17 Q. Now, do you have a recollection</p> <p>18 of whether you questioned her about what</p> <p>19 it was that Officer Raun allegedly was</p> <p>20 doing? Can you recall whether you</p> <p>21 questioned her in order to get any detail</p> <p>22 about that?</p> <p>23 A. I can't recall specific</p> <p>24 questions. I can recall more basically</p> <p>25 listening to her.</p>	
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<p>1 A. Yes, sir.</p> <p>2 Q. Is it your recollection that ---</p> <p>3 can you only recall one name, the name of</p> <p>4 one staff member who allegedly was not</p> <p>5 listening to her concerns? Is that the</p> <p>6 only name you can recall?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you have a recollection</p> <p>9 that she identified more than Mr. Utts</p> <p>10 and you're just not able to recall who</p> <p>11 the others were or are you saying the</p> <p>12 only person she identified was Mr. Utts?</p> <p>13 A. No. I did have a sense that she</p> <p>14 had complained to more than one person</p> <p>15 regarding her concerns about Sergeant</p> <p>16 Raun.</p> <p>17 Q. Okay. Now, did she tell you what</p> <p>18 she had told Mr. Utts?</p> <p>19 A. No, sir.</p> <p>20 Q. Did she tell you what she told</p> <p>21 anybody else about what was bothering</p> <p>22 her?</p> <p>23 A. Not verbatim, no, okay. Again,</p> <p>24 my sense was that the perception on her</p> <p>25 part that she was being harassed by</p>	<p>1 Q. What was her demeanor like when</p> <p>2 she first brought that allegation to your</p> <p>3 attention?</p> <p>4 A. I would say that she was mildly</p> <p>5 to moderately frustrated that there was</p> <p>6 no evidence of acute distress. That is,</p> <p>7 in her discourse she was relatively calm,</p> <p>8 okay, with some indication of irritation,</p> <p>9 like I said, frustration, but certainly</p> <p>10 not hysterical or panicking or in the</p> <p>11 midst of any anxiety attack. Certainly</p> <p>12 no evidence of her being clinically</p> <p>13 depressed. You know, conversation was</p> <p>14 logical, goal directed. She was clearly</p> <p>15 oriented.</p> <p>16 Q. She wasn't crying?</p> <p>17 A. No, sir.</p> <p>18 Q. Now, do you recall approximately</p> <p>19 how long that first encounter with her</p> <p>20 lasted?</p> <p>21 A. Typically the time frame that I</p> <p>22 would set aside if I would schedule an</p> <p>23 individual session would be a 50-minute</p> <p>24 period.</p> <p>25 Q. 5-0, 1-5? Fifteen (15) or 50?</p>	

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<p>1 A. Fifty (50) minutes.</p> <p>2 Q. Okay. Nearly an hour?</p> <p>3 A. Yes.</p> <p>4 Q. And where would that session have been held?</p> <p>5 A. It would have been held in my office.</p> <p>8 Q. And the only two people at that session would have been you and Lisa Lambert?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Within the framework of that session, did you schedule another time to see Lisa Lambert?</p> <p>15 A. I would say given what I've documented here, yes, I probably saw her on 8/15 and then wrote in my appointment book to see her again on 8/26.</p> <p>19 Q. Okay. Now, you say you probably saw her again on 8/15.</p> <p>21 ATTORNEY HALLORAN:</p> <p>22 No, I don't think ---.</p> <p>23 A. I said I saw --- the way that I basically operate, okay, is if I feel that the problems are ongoing, I will go</p>	Page 54	<p>1 we look at it in that sense as opposed to what specifically happened on October 12th.</p> <p>4 Q. I understand your testimony. So let's do it within the boundaries of the entire process without asking you what occurred on a specific date. And why don't you tell me your recollection of what issues were discussed after the first meeting, whenever they were discussed, and try to keep them --- if there's any way you can order them. And tell me what she said as best you can recall, what you said as best you can recall in the context of your encounters with her.</p> <p>17 A. Okay. What I recall was that Ms. Lambert indicated that she had an attraction to Sergeant Raun. She also indicated that she perceived at least initially that that attraction was mutual. Somewhere along the line, and certainly I can't remember precisely when, that changed. She felt betrayed by Sergeant Raun. Subsequent to the feeling</p>
<p>1 ahead and schedule a follow-up session.</p> <p>2 I wouldn't stake my life on that, okay.</p> <p>3 It could have been that I saw her on a PRN basis on the 15th, didn't reschedule her, but she wrote to me again and then I rescheduled her for the 26th.</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. Now, do you recall what the purpose of the second session was?</p> <p>10 A. Again, when I look back at the time frame, when I look back at my interactions with Ms. Lisa Lambert, I basically, in terms of my memory, have a gestalt of the content. I do not have specifics in my memory with regard to what specifically we discussed on the 15th, the 26th, the 9th, the 28th and the 13th as that's documented in my notes here.</p> <p>20 Q. Okay. By gestalt, so the record is clear, what do you mean?</p> <p>22 A. The whole, okay. The whole of the issues that we discussed over the context of several sessions. I'm going to be much more accurate in recalling if</p>	Page 55	<p>1 of betrayal, the perception of harassment surfaced. As we moved on across the course of these sessions, it became more evident to me --- increasingly evident to me that this woman was, in my opinion, preoccupied with male officers in general, preoccupied with sex, sexuality, that she seemed to be pretty much having her life revolve around relationships with male officers. In fact, it was very difficult really for me to get her to discuss much of anything but interactions that transpired between her and male officers.</p> <p>15 Q. What interactions did she describe to you?</p> <p>17 A. I can't remember specifics. What I do remember is that, you know, she had perceptions that certain officers were attracted to her, perceptions that certain officers weren't her friends, other officers were her friends. At some point, maybe session number three, session number four, I told her that --- I reminded her, if you will, that it was</p>
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<p>1 not appropriate for her to be sexual with      2 officers, that all of this focus that she      3 had didn't seem to me to be productive.      4 That she couldn't have sexual      5 relationships with male officers to which      6 she responded, I'm 20 some years old, and      7 I don't even remember how old she was, in      8 her early 20s. I think she turned 21      9 maybe in '93 or '94. And I'm young and I      10 have a life in prison and I am not going      11 to be celibate for the rest of my life.      12 Okay. And given her response and the      13 fact that she was very preoccupied, okay,      14 with officers and relationships with      15 officers and sexual interactions with      16 officers, I attempted to be very clear      17 with her regarding the limits of      18 confidentiality. I.e., Ms. Lambert, if      19 you come into my office and you tell me,      20 okay, that you are engaged in sexual      21 activity with officer so and so or      22 officer so and so, please be aware that I      23 am not able to keep that between you and      24 me, that that is a breach of the security      25 of the institution and I'm going to have</p>	<p>Page 58</p> <p>1 Q. Well, if she had told you that,      2 that would have been beyond the      3 boundaries or the limits of      4 confidentiality that you related to her;      5 wouldn't that?      6 A. Yes, it would be, sir.      7 Q. Did she relate to you any      8 touching, any fondling, any caressing      9 either from her to an officer or from an      10 officer to her?      11 A. No, sir. What more made me feel      12 that she was going in that direction was      13 the fact that she had talked as if she      14 had known about the personal lives of an      15 officer.      16 Q. Who was that?      17 A. Sergeant Raun.      18 Q. What did she tell you that      19 indicated to you that she might have      20 known Raun's personal life?      21 A. That he was married, that he had      22 children. You know, how old he was. In      23 her mind, what he may and may not have      24 done in his younger years, things of this      25 nature.</p>
<p>1 to go talk to somebody about that. In      2 fact, the same day that I talked to her      3 about that, I reviewed with her the      4 limits of confidentiality, what I could      5 and could not keep confidential.      6 Q. So that would have been either in      7 September or October of '94 that you told      8 her that; is that right?      9 A. That would be my guess, sir, yes.      10 Q. Now, had she told you anything      11 prior to your telling her that you      12 couldn't keep confidential any      13 information that she gave you about      14 engaging in a sexual relationship with an      15 officer?      16 A. She did not say, you know, I had      17 sexual intercourse with officer so and      18 so, no, she did not say that. She did      19 allude to flirtatious interactions,      20 mutual attractions between herself and      21 officers.      22 Q. Okay. She had not told you up      23 until that point anything about kissing      24 an officer?      25 A. Not that I'm able to recall, no.</p>	<p>Page 59</p> <p>1 Q. Like what, played football?      2 A. Yes, things like this.      3 ATTORNEY HALLORAN:      4 Is that an example?      5 ATTORNEY KRAKOFF:      6 Yes, that was an example.      7 ATTORNEY HALLORAN:      8 I mean, ---.      9 A. No, I can't say specifically      10 played football, but you're on the right      11 track. Things that you wouldn't be      12 discussing with an officer in the context      13 of the officer/inmate relationship.      14 BY ATTORNEY KRAKOFF:      15 Q. Now, this limits of      16 confidentiality that you speak about, how      17 and when did you become informed of the      18 limits of confidentiality in the context      19 of the prison?      20 A. Through a situation that      21 transpired involving another inmate,      22 another staff member. A situation that      23 involved an inmate coming to me, telling      24 me that she had witnessed, observed a      25 staff member in the basement of the</p>

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<p>1 dietary department kissing an inmate and      2 her walking down to fix something down in      3 the basement, happening upon this      4 interaction between the staff member and      5 this inmate, him saying I come to get a      6 can of coffee and her asking me      7 specifically, don't say anything because      8 I'm afraid. I'm afraid that if I snitch      9 on this staff member, that my life will      10 be miserable here and me viewing that at      11 the time, coming from a background in      12 metal health/human services that did not      13 heretofore involve corrections, believing      14 that that was legitimate confidential      15 information and specifically in the best      16 interest of the inmate, okay. Finding      17 out after the fact that I had kept this      18 information confidential, Superintendent      19 Wolf ---.</p> <p>20 Q. Who found it out after the fact?      21 A. I don't know for sure. Do you      22 know?</p> <p>23 Q. You can't ask him.      24 A. Okay. After the fact, somehow it      25 coming out. And I think what happened</p>	<p>1 Superintendent Wolf about      2 confidentiality?      3 A. I don't know, but I have a      4 feeling it wasn't very long before and I      5 have a feeling that's why I made it so      6 explicit with her because I didn't want      7 to fall in that same hole again.      8 Q. Now, who was the inmate who was      9 involved with a kissing incident with a      10 staff member?      11 A. A woman by the name of Lisa      12 Gunderson (phonetic).      13 Q. And who was the staff member?      14 ATTORNEY HALLORAN:      15 I'm sorry, I just want to      16 be clear. Was that the inmate      17 that reported it or was that the      18 inmate that was involved with the      19 kissing?      20 A. He asked me about the kissing.      21 ATTORNEY KRAKOFF:      22 My question was about the      23 kissing.      24 ATTORNEY HALLORAN:      25 I understand that.</p>	
<p>1 was that eventually that inmate disclosed      2 herself, okay, what had happened. But      3 then getting a call from Superintendent      4 Wolf and his being quite annoyed with me,      5 okay, that I did not tell him about this      6 at the time that it happened and my      7 telling him that, you know, in my mind it      8 was confidential, privileged information,      9 but I understand now. Explaining to him      10 that, you know, certainly if she would      11 have come to me and told me there was a      12 boom under Luder (phonetic) Hall, that I      13 wouldn't have kept that confidential, but      14 this to me was somewhat gray. And it was      15 at that point that I was very clear,      16 crystal clear, okay, on how      17 confidentiality is not the same out there      18 in the community as what it is here in      19 the state penitentiary.</p> <p>20 Q. Well, how long before your      21 beginning to see Lisa Lambert --- and I      22 know you said you're not exactly sure      23 when that is, but let's assume August of      24 '94. How long prior to August of '94 had      25 you had that discussion with</p>	<p>1 A. And I'm wondering here if the      2 first name is right. The last name was      3 Gunderson, I'm not sure if Lisa is      4 correct or not. Is it?      5 ATTORNEY HALLORAN:      6 My understanding ---      7 leave this on the record. My      8 understanding is that an inmate      9 reported to you that she saw      10 another inmate kissing an      11 officer.      12 ATTORNEY KRAKOFF:      13 I'm not going to ask the      14 name of the ---.      15 A. No, not an officer.      16 ATTORNEY HALLORAN:      17 Not an officer.      18 ATTORNEY KRAKOFF:      19 A staff member.      20 A. A staff member.      21 ATTORNEY KRAKOFF:      22 I'm not going to ask who      23 that inmate was who reported it.      24 ATTORNEY HALLORAN:      25 Okay.</p>	Page 65

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<p>1 Q. And I'm not asking you to recall      2 anything verbatim, I'm asking you to      3 recall as best you can about the      4 substance because most people cannot      5 recall verbatim something that --- a      6 conversation that took place somewhere      7 back. So within those parameters, that's      8 what I'm asking you. So can you recall      9 the substance of any conversation that      10 Lisa Lambert told you took place between      11 her and an officer at Cambridge Springs?</p> <p>12 A. No, sir.</p> <p>13 Q. And are you confident, to the      14 best of your recollection, that none of      15 the conversations that she related to you      16 as having taken place between her and an      17 officer concerned anything related to a      18 sexual act or sexual conduct between her      19 and the officer?</p> <p>20 A. Rephrase that again, please.</p> <p>21 Q. Are you confident that during the      22 time that you were seeing Lisa Lambert      23 that she did not relate any conversations      24 between her and a staff member that      25 concerned a matter that would be</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Any other officers?</p> <p>3 A. Not that I can say were      4 inappropriate, definitely.</p> <p>5 Q. Okay. Can you recall her      6 relating any conversations that she had      7 with any other officers?</p> <p>8 A. She talked about Officer Schmidt.      9 She called him Schmitty.</p> <p>10 Q. Is that S-C-H-M-I-D-T?</p> <p>11 A. Something like that.</p> <p>12 Q. And what did she talk about him?</p> <p>13 What did she say about him?</p> <p>14 A. I don't recall. That's why I      15 hesitated to even say. All I recall is      16 that he had come up in conversation.</p> <p>17 Q. Any other officers?</p> <p>18 A. Those are the three that I      19 remember.</p> <p>20 Q. Do you think there were more or      21 do you think these were the only three?</p> <p>22 A. Those are the only three that I'm      23 able to remember. There could have been      24 more.</p> <p>25 Q. Okay. Who was the officer, if</p>	
<p>1 considered to be of a sexual nature? I      2 define that as anything from kissing to      3 hugging to fondling and sexual      4 intercourse?</p> <p>5 A. I'm going to try to answer that,      6 okay. She never explicitly said to me, I      7 kissed officer so and so. I had      8 intercourse with officer so and so.      9 There were always sexual overtones, if      10 that ---.</p> <p>11 Q. Can you give me examples of what      12 you viewed as a sexual overtone?</p> <p>13 A. No, I can't.</p> <p>14 Q. Now, did she identify, other than      15 Sergeant Raun, any of the officers who      16 she appeared to have inappropriate      17 conversations with?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And who are they?</p> <p>20 A. Icker (phonetic), Officer Icker.</p> <p>21 Q. Is that James Icker?</p> <p>22 A. I'm not sure what his first name      23 is.</p> <p>24 Q. Is that the officer who was      25 prosecuted?</p>	<p>1 A. Officer Icker.</p> <p>5 Q. And what did she say about      6 Officer Icker in the nature of how he had      7 been a friend to her or how he had      8 protected her?</p> <p>9 A. That he was looking out for her,      10 that he was giving her the scoop, that he      11 cared about her.</p> <p>12 Q. Was that contemporaneous? Was      13 she telling you he is looking out for me,      14 he is giving me the scoop now ---</p> <p>15 A. Yes.</p> <p>16 Q. --- or in the past tense?</p> <p>17 A. No, in the here and now.</p> <p>18 Q. Okay. And so she expressed      19 friendly thoughts about Icker?</p> <p>20 A. Absolutely.</p> <p>21 Q. Okay. Did she explain to you      22 what the scoop meant?</p> <p>23 A. You know, that he was kind of      24 telling her who to watch out for, who was      25 cool, who was not cool.</p>	Page 77

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<p>1 Q. <b>Among the staff or among inmates</b>  2 <b>or both?</b></p> <p>3 A. Among the staff.</p> <p>4 Q. <b>Did she say anything about</b>  5 <b>Officer Icker and her having any</b>  6 <b>meetings, private meetings away from</b>  7 <b>other staff and other officers?</b></p> <p>8 A. Not that I am able to recall.</p> <p>9 Q. <b>Did she tell you that she and</b>  10 <b>Officer Raun had had any private</b>  11 <b>encounters? And by encounters, I'm not</b>  12 <b>meaning sexual, I'm talking about</b>  13 <b>meetings where they got together without</b>  14 <b>other people around?</b></p> <p>15 A. Not that I'm able to recall, no.</p> <p>16 Q. <b>Did she talk to you about them</b>  17 <b>having conversations while others were</b>  18 <b>around, out in the yard, in dietary or</b>  19 <b>anywhere else, in Luder Hall?</b></p> <p>20 A. Well, I definitely had the sense  21 that she had some verbal interaction with  22 Sergeant Raun, but I don't remember her  23 coming in and say, I talked to Sergeant  24 Raun and we talked about X, Y, and Z  25 today.</p>		<p>1 A. Well, I told you that she talked  2 about --- that she had indicated  3 discomfort with him, staring at her in  4 the dietary department. That she had  5 reported to other staff members that he  6 was harassing her and that at one point  7 she had talked to me about being out in  8 the yard and seeing Superintendent Wolf  9 having a conversation with Sergeant Raun  10 and it appeared to be a friendly  11 conversation and, you know, that  12 Superintendent Wolf seemed to like  13 Sergeant Raun and they were --- you know,  14 they were on good terms and that this  15 frustrated her because she was, you know,  16 reporting these feelings that she was  17 being harassed and simultaneously  18 somewhere along there he got promoted  19 from sergeant to lieutenant. And as I  20 mentioned before, this annoyed her  21 majorly.</p> <p>22 Q. <b>This harassment that she</b>  23 <b>described, let me ask you that. Did she</b>  24 <b>describe --- other than the fact that</b>  25 <b>Sergeant Raun had allegedly stared at her</b></p>
<p>1 Q. <b>Okay. But she told you that she</b>  2 <b>thought that Officer Raun at some point</b>  3 <b>had an interest in her; is that correct?</b></p> <p>4 A. She gave me the sense that she  5 had, in her mind, early in her coming to  6 SCI Cambridge Springs, an attraction to  7 Officer Raun and that that attraction was  8 mutual.</p> <p>9 Q. <b>But by the time she began to meet</b>  10 <b>with you that was in the past; is that</b>  11 <b>your recollection?</b></p> <p>12 A. My recollection is that at the  13 time that we began to meet something had  14 transpired that generated within her  15 feelings of anger and resentment towards  16 Sergeant Raun.</p> <p>17 Q. <b>And that would have been prior to</b>  18 <b>your beginning to meet; is that correct?</b></p> <p>19 A. That's what I'm thinking, yes.</p> <p>20 Q. <b>And you said that she had</b>  21 <b>expressed frustration over the fact that</b>  22 <b>Sergeant Raun had been promoted to</b>  23 <b>lieutenant?</b></p> <p>24 A. Yes.</p> <p>25 Q. <b>What did she tell you about that?</b></p>	Page 79	<p>1 in the dietary department, did she tell  2 you anything about the nature of the  3 harassment?</p> <p>4 A. The only other thing that I can  5 recall, and it's vague, is perhaps  6 allegations that relate to the stocking  7 kind of behavior. You know, that he was  8 following me, that he was here, that he  9 was there, he was behind me.</p> <p>10 Q. Now, did you give her any advice  11 as to what she should do in connection  12 with Sergeant Raun via his alleged  13 harassment of her?</p> <p>14 A. I don't know as if I'd say I gave  15 her advice. I knew that she had already  16 reported it to the appropriate personnel.</p> <p>17 Q. Prior to seeing you?</p> <p>18 A. Yes. And like I said, sir, I was  19 not highly confident that what Ms.  20 Lambert was telling me was truthful.</p> <p>21 Q. Right.</p> <p>22 A. Okay. You know, I may have told  23 her, you know, just go about your  24 business and focus on yourself. I don't  25 know about that.</p>
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<p>1 Q. Did you view her allegations      2 about Sergeant Icker allegedly looking      3 after her, giving her the scoop, that      4 sort of thing as potential breach of      5 security of the institution at the time      6 she was telling you that?</p> <p>7 A. I think I certainly may have seen      8 a potential for that, okay. And I think      9 it was at that juncture, okay, that I      10 told her what I told you I told her about      11 20 minutes ago. Okay. That, you know,      12 if you're going to start talking to me      13 about sex with this officer or that      14 officer know that this is what I'm going      15 to have to do with that.</p> <p>16 And as I've indicated because      17 this was the focus of her conversation      18 --- in my mind I had targeted as a      19 problem with her the fact that she was      20 preoccupied, okay, with sexual matters,      21 preoccupied with relationships with      22 officers. And I felt that this was ---      23 you know, since this was what she was      24 coming about, since this is what people      25 were concerned about, I felt that, yes,</p>	<p>1 --- the persons she was preoccupied with      2 by name, prior to your telling her this      3 is something I may have to --- this is      4 not going to be confidential. I may have      5 to relate that information to others?</p> <p>6 ATTORNEY HALLORAN:      7 Objection. Asked and      8 answered a couple of times.</p> <p>9 BY ATTORNEY KRAKOFF:</p> <p>10 Q. What was the answer, no?</p> <p>11 A. The answer was Sergeant Raun and      12 Officer Icker.</p> <p>13 Q. Sexual?</p> <p>14 ATTORNEY HALLORAN:      15 Sexual.</p> <p>16 A. No. Sexual, explicit sexual      17 things, I had intercourse, I was, you      18 know, kissing, no.</p> <p>19 BY ATTORNEY KRAKOFF:</p> <p>20 Q. I want to have intercourse, did      21 she ever say that? I want to have      22 intercourse with Sergeant Raun or I want      23 to have intercourse with Sergeant Icker?</p> <p>24 A. No. What she did say I already      25 quoted to you. I'm 21 years old, I have</p>	
<p>1 it was something that we needed to focus      2 on, that we needed to address in      3 counseling, but that I wasn't going to      4 get to first base, okay, unless I made it      5 clear to her that, you know, we couldn't      6 talk in terms of names here.</p> <p>7 And, in fact, I told her, you      8 know, that if she wanted to talk about      9 relationships with officers, that we were      10 going to have to talk in terms of, you      11 know, relationship A, relationship B,      12 relationship C, rather than use names.      13 And I did that because that was her      14 primary focus. I wasn't at all certain      15 regarding her credibility. She had gone      16 to other sources within the institution      17 with the reporting and the allegations      18 and this is what I saw as the problem      19 area as pathology, if you will, that I      20 needed to try to address with this woman.      21 Do you understand what I'm saying?      22 Q. You thought that she was sexually      23 preoccupied?      24 A. Yes, I did, sir.      25 Q. And had she identified any of her</p>	<p>1 life in prison and I am not going to be      2 celibate for the rest of my life.</p> <p>3 Q. Okay. And you took that, I take      4 it, to mean that she was going to      5 eventually have sex or at least to      6 attempt to have sex with a member of the      7 staff?</p> <p>8 A. I took that to mean that that was      9 something that she wanted, yes.</p> <p>10 Q. And did you view that as a      11 potential security risk?</p> <p>12 A. I viewed it as a problem which is      13 why I wanted to try to focus in on it      14 without getting bogged down, okay, and      15 trying to decipher what's fantasy, what's      16 fact and reporting obligations.</p> <p>17 Q. Did you view her saying that I'm      18 not going to remain celibate to pose a      19 security risk to the institution?</p> <p>20 A. Potential.</p> <p>21 Q. Did you go to anybody with that      22 information?</p> <p>23 A. Did I go to anyone with that      24 information?</p> <p>25 Q. Did you go to anybody within the</p>	Page 85

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1 administration or anybody within the  
 2 commission offices or anybody else and  
 3 say, you know, Lisa Lambert is saying  
 4 that she's not going to remain celibate?

5 A. No, I did not.

6 Q. And why not? Did you consider  
 7 going to somebody with that information?

8 A. My feeling was at the time that  
 9 this woman was talking to a lot of  
 10 people, okay. That she was reporting to  
 11 other people specific concerns that she  
 12 had about Sergeant Raun, okay. That the  
 13 issues that we're talking about here I  
 14 felt were issues of this woman being  
 15 preoccupied with sex and sexuality and  
 16 that as a psychologist that I was going  
 17 to try to deal with that issue as best as  
 18 I could under the circumstances and that  
 19 she was doing plenty of talking to other  
 20 personnel, okay.

21 Q. About sexual things?

22 A. Well, you'd have to ask them what  
 23 other allegations that she was making ---  
 24 she was making ---.

25 Q. I'm asking about your thought

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1 ATTORNEY HALLORAN:  
 2 Take a break?  
 3 ATTORNEY KRAKOFF:  
 4 Yes.

5 SHORT BREAK TAKEN

6 BY ATTORNEY KRAKOFF:

7 Q. I had asked you before about her  
 8 reference to officers, Lisa Lambert's  
 9 reference to officers. I'm going to ask  
 10 you about a couple of others. Did she  
 11 ever bring up the name of Officer Rogers  
 12 (phonetic) while with you?

13 A. Not that I'm able to recall.

14 Q. Did she ever bring up the name of  
 15 Officer Free while she was with you,  
 16 F-R-E-E?

17 A. Not that I'm able to recall.

18 Q. Let me ask about the note issue  
 19 and let me draw a distinction. One  
 20 process might be to take notes while  
 21 you're in a session and then to use those  
 22 notes as you're going back, say, 30  
 23 minutes later and you can make reference  
 24 to something that the inmate had told  
 25 you, and then to destroy the notes, and I

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1 processes. I asked you whether you ---.  
 2 ATTORNEY HALLORAN:  
 3 I think that's what she's  
 4 testifying to.

5 ATTORNEY KRAKOFF:

6 Well, I don't know. I  
 7 don't know that you said --- you  
 8 said she went to several people.

9 BY ATTORNEY KRAKOFF:

10 Q. Was it your information she had  
 11 gone to several people about sexual  
 12 issues?

13 A. About harassment issues.

14 Q. About sexual issues?

15 A. Sexual harassment.

16 Q. And what was your understanding  
 17 of what the sexual harassment  
 18 constituted?

19 A. I've already said that, sir.

20 Okay. Staring at her in the dietary,  
 21 some suggestion of stalking behaviors,  
 22 that combined with the implication on her  
 23 part that there was this initial mutual  
 24 attraction between her and Sergeant Raun  
 25 when she first came to Cambridge Springs.

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1 don't say that in any pejorative sense,  
 2 to destroy the notes so that you could  
 3 maintain the confidentiality that you  
 4 described. And the other would be not to  
 5 take notes at all in the course of the  
 6 encounter. Which was it when you were  
 7 interviewing Lisa Lambert, not to take  
 8 notes at all or to take notes and then to  
 9 discard the notes, not place them in the  
 10 file?

11 A. First choice.

12 Q. Okay. And that was the same with  
 13 the --- that was your routine practice  
 14 with other inmates during the time period  
 15 that you were seeing Lisa Lambert?

16 A. Yes, sir.

17 Q. Now, this statement in effect,  
 18 I'm 21, I'm not going to remain celibate,  
 19 was that the first time at Cambridge  
 20 Springs that you ever heard a prisoner  
 21 express that to you that she wasn't going  
 22 to remain celibate?

23 A. Yes, sir.

24 Q. Was that mentioned by any inmates  
 25 after you saw Lisa Lambert, I'm not going

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<p>1 to remain celibate or words to that      2 effect?</p> <p>3 A. We had no other lifers here at      4 that time. She was the only lifer we      5 had.</p> <p>6 Q. Well, you had other inmates who      7 were serving 10 years or 15 years, didn't      8 you, at this prison?</p> <p>9 A. Yes. And I don't recall any      10 other inmate making that an issue.</p> <p>11 Q. Did you have other inmates,      12 either prior to or after you saw Lisa      13 Lambert, discuss the issue of how      14 difficult it was to be celibate while in      15 prison?</p> <p>16 A. Not that I recall, sir.</p> <p>17 Q. Now, as your meeting progressed,      18 as your meetings with Lisa Lambert      19 progressed and then ultimately concluded,      20 did she raise any other issues other than      21 those that you've already talked about      22 with you?</p> <p>23 A. Well, the issue that she raised      24 on 10/13/94.</p> <p>25 Q. And what was that issue?</p>		
<p>1 A. That was the date where she came      2 to me and reported that Officer Raun had      3 assaulted her on the landing of the      4 stairway in Luder Hall.</p> <p>5 Q. Is that the first that you had      6 heard about allegations that Officer Raun      7 had assaulted her ---</p> <p>8 A. Yes.</p> <p>9 Q. --- on a landing in the stairway      10 of Luder Hall?</p> <p>11 A. Yes.</p> <p>12 Q. And I'm not limiting it to is      13 that the first time you heard it from      14 Lisa Lambert. My question is broader      15 than that. Had you heard it from any      16 other inmates or any staff members?</p> <p>17 A. No, sir, I had not.</p> <p>18 Q. Okay. And ---.</p> <p>19 ATTORNEY HALLORAN:      20 Can we clarify for the      21 record this was not a sexual      22 assault?</p> <p>23 ATTORNEY KRAKOFF:      24 Well, I was going to ask      25 her about the nature of the</p>	Page 91	
		Page 92
		<p>1 assault.</p> <p>2 ATTORNEY HALLORAN:      3 Go ahead.</p> <p>4 BY ATTORNEY KRAKOFF:</p> <p>5 Q. Describe to me, as best you can      6 recall, how that unfolded? How Lisa      7 Lambert brought that issue up and what      8 she said and what, if anything, you said      9 in response?</p> <p>10 A. Well, I do believe that she was      11 assigned a unit detail at the time. That      12 her job was keeping her particular part      13 of the unit clean. And I do recall that      14 she indicated that she was sweeping the      15 stairwell and Sergeant Raun came along.      16 I think she indicated that he grabbed her      17 by the hair, that he kind of shoved her      18 into the corner, that he took his knee      19 and, you know, kind of jammed it into her      20 abdomen, that he was forceful in gripping      21 her arms and that he was simultaneously      22 emotionally abusive. You know, calling      23 her a bitch, things of this nature.</p> <p>24 Q. Okay.</p> <p>25 A. And she also at that point</p>
		Page 93
		<p>1 indicated that she had bruises and she      2 asked me, did I want to see the bruises      3 and she got up off of her chair and      4 walked over to the window where the light      5 was better and proceeded to show me the      6 bruises.</p> <p>7 Q. Okay. What did you see?</p> <p>8 A. When I was talking about this      9 with him yesterday.</p> <p>10 Q. With who?</p> <p>11 A. With this man.</p> <p>12 Q. Okay. Mr. Halloran. You can't      13 tell me about anything that you said to      14 him.</p> <p>15 A. Okay. My recall was that she had      16 kind of like loosened her pants and      17 pulled down a little bit and there was a      18 bruise on her butt, if you will.</p> <p>19 Q. The upper part of her buttocks?</p> <p>20 A. Right. But I don't think that's      21 consistent with what the photograph shows      22 so my memory evidently is not good there.      23 I do remember that there were some      24 bruises on her arms, on her forearms and      25 that she had indicated that that was due</p>

<p>1 to his grabbing her arms, okay, and 2 squeezing so tightly that it had bruised 3 the arms. That's about what I can 4 remember.</p> <p>5 Q. <b>Did she show you anything on her 6 thighs?</b></p> <p>7 A. She may have shown me on her 8 thighs and maybe that's what it was. It 9 was her thighs rather than her butt. But 10 I do remember that she had to kind of 11 unzip her pants to show me these bruises.</p> <p>12 Q. <b>And you saw the bruises?</b></p> <p>13 A. Yes, sir.</p> <p>14 Q. <b>Did you recall --- the second 15 page of Exhibit Ten reflects that you saw 16 Lisa on the 13th and you also saw her on 17 the 12th. None of these other meetings, 18 these individual sessions that I can see 19 occurred one day after another. Can you 20 recall whether the 13th was a regularly 21 scheduled session or is that something 22 that just developed on the 13th?</b></p> <p>23 A. I can't recall specifically, but 24 my guess was that --- the fact that these 25 two sessions are back to back one day</p>	<p>Page 94</p> <p>1 report it to the administration. And 2 that's what I proceeded to do. I had her 3 wait in the office. I went over and I 4 talked to Charley Utts. Charley Utts 5 said we got to take her down to medical. 6 She asked me to go down to medical with 7 her. We went down to medical where there 8 was a nurse and a female lieutenant and 9 from there they proceeded to take the 10 pictures and I did what paperwork is 11 required in such cases.</p> <p>12 Q. <b>Were you there when they took the 13 photographs?</b></p> <p>14 A. Yes, sir. I mean, I was standing 15 by at her request. I wasn't hovering 16 over her. I was there in the office.</p> <p>17 Q. <b>You said that you had Lisa wait 18 in the office while you went to see 19 Deputy Superintendent Utts?</b></p> <p>20 A. That's what I recall, yes.</p> <p>21 Q. <b>Now, when you say wait in your 22 office, was there an anteroom to your 23 office or did she literally wait in the 24 room where you had --- where you would 25 conduct your sessions with inmates?</b></p>
<p>1 after another, my guess was that she had 2 an officer call me to see me on the 13th 3 for the purpose of reporting this assault 4 and that that wasn't a scheduled session.</p> <p>5 Q. <b>Okay. Do you recall how long 6 approximately the session on the 13th 7 lasted?</b></p> <p>8 A. No, sir, I don't.</p> <p>9 Q. <b>Do you recall whether you went 10 into any issues other than the alleged 11 assault in Luder Hall with Lisa Lambert 12 that day?</b></p> <p>13 A. No. My sense was that once she 14 made those allegations I knew that we had 15 to report and that we basically proceeded 16 with the reporting process. I had her 17 wait in my office where I went and I 18 talked to Charley Utts about it. I told 19 her --- as I mentioned to you earlier, I 20 had already clarified with her, you know, 21 what would constitute grounds for me to 22 breach confidentiality and it is my 23 belief that she knew very well in coming 24 in there and reporting this to me what I 25 was going to do in reaction to it, i.e.,</p>	<p>Page 95</p> <p>1 A. I believe I probably had her wait 2 in the room.</p> <p>3 Q. <b>In the actual room where you have 4 your sessions?</b></p> <p>5 A. Yes.</p> <p>6 Q. <b>And do you recall approximately 7 how long it was before you returned?</b></p> <p>8 A. Not precisely, but it wasn't long 9 at all.</p> <p>10 Q. <b>Are you talking about like 15 11 minutes or 20 minutes?</b></p> <p>12 A. No. I'm talking more like four 13 minutes.</p> <p>14 Q. <b>Okay.</b></p> <p>15 A. Once I told Mr. Utts what was 16 going down there was no question but what 17 we needed to do and we were down there in 18 medical ASAP.</p> <p>19 Q. <b>Okay. And then after returning 20 from Mr. Utts' office, you got Lisa and 21 the two of you went down to medical 22 together; is that correct?</b></p> <p>23 A. Right.</p> <p>24 Q. <b>Now, when you told Lisa to wait 25 in the office, did you tell Lisa what you</b></p>

<p>1 were going to do, where you were going to 2 go?</p> <p>3 A. Yes, I did.</p> <p>4 Q. What did you tell her?</p> <p>5 A. I told her I was going to have to 6 go talk to the --- I was going to have to 7 report.</p> <p>8 Q. Did you tell her who you were 9 going to report it to?</p> <p>10 A. Yes, I did.</p> <p>11 Q. Okay. And you told her I'm going 12 to report this to Deputy Superintendent 13 Utts or words to that effect?</p> <p>14 A. Yeah. Again, I wouldn't bet my 15 savings account on it because it was so 16 long ago. But I'm pretty sure I told her 17 I'm going to go talk to Deputy Utts.</p> <p>18 Q. Okay. But there's no question in 19 your mind, I take it, that you said --- 20 whether you identified Deputy Utts or 21 not, there's no question in your mind you 22 told her I'm going to report this to 23 somebody; is that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. Okay. And what did you tell</p>	<p>Page 98</p> <p>1 Objection. She's not 2 qualified to answer ---.</p> <p>3 ATTORNEY KRAKOFF: 4 I think any layperson can 5 answer that. But answer to the 6 best of your ability.</p> <p>7 A. Rephrase the question, please.</p> <p>8 BY ATTORNEY KRAKOFF:</p> <p>9 Q. Did you see anything that 10 appeared to have been caused by a name 11 tag digging into her skin?</p> <p>12 A. I think I can be reasonably 13 certain in saying that she showed me the 14 scope of the injuries that she had or 15 what she reported she had. And although 16 I cannot clearly remember the place on 17 the body, I would be reasonably secure in 18 saying that she probably showed me 19 whatever wound was there.</p> <p>20 Q. That she said had been caused by 21 the name tag?</p> <p>22 A. Right.</p> <p>23 Q. And do you recall whether, at 24 that time, you look at whatever it was 25 that she showed you and said, that</p>
<p>1 Deputy Superintendent Utts? Did you meet 2 with him?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what did you tell him?</p> <p>5 A. I told him essentially what she 6 had told me.</p> <p>7 Q. Okay. And what did Deputy 8 Superintendent Utts say, if anything?</p> <p>9 A. He said we have to get her down 10 to the medical department and we have to 11 take pictures of the bruises and we have 12 to document what she's alleging.</p> <p>13 Q. Okay. Had she told you anything 14 about a name tag when she related what 15 occurred between --- allegedly occurred 16 between her and Officer Raun? Did she 17 make reference to a name tag?</p> <p>18 A. Now that you bring it up she 19 might have said something about a name 20 tag digging into her skin.</p> <p>21 Q. Did you see any marks that 22 appeared to be something that was 23 consistent with something like a name tag 24 digging into her skin?</p> <p>25 ATTORNEY HALLORAN:</p>	<p>Page 99</p> <p>1 couldn't have been caused by a name tag?</p> <p>2 A. Absolutely not. I didn't say 3 that.</p> <p>4 Q. No, I mean, in your own mind. 5 Did what you looked at appear to have 6 been something that could have been 7 caused by a name tag?</p> <p>8 A. I didn't remember that until you 9 brought that up, in fact.</p> <p>10 Q. So you don't remember now?</p> <p>11 A. No.</p> <p>12 Q. Now, did she tell you when that 13 event, the alleged event where Sergeant 14 Raun assaulted her, occurred?</p> <p>15 A. I'm sure she did, but I don't 16 remember when it was. I know it was 17 within 24 hours and probably within 12 to 18 18 hours of her coming to me. That's 19 what she reported. It wasn't something 20 that happened two, three days ago. It 21 was something that just happened.</p> <p>22 Q. Okay. And what was her demeanor 23 like when she reported it to you?</p> <p>24 A. She was ostensibly upset.</p> <p>25 Q. What --- go ahead.</p>

	Page 102		Page 104
1 A. I think that's probably the best 2 way that I can describe it.		1 I think she did tell me that because when I 2 went to talk to Deputy Utts, one of the 3 things that I addressed immediately with 4 him was, you know, she's really afraid 5 that you're going to lock her up and 6 that's one of her biggest fears. And I 7 say that because Deputy Utts told me 8 we're not going to lock her up. Okay. 9 And then I went back to her. I told her 10 what we were going to do, i.e., go get 11 pictures of the bruises taken. And I 12 assured her that Deputy Utts said we 13 aren't going to look you up.	
3 Q. <b>What was it that you saw that 4 indicated that she was ostensibly upset?</b>		14 Q. <b>Had she been locked up during 15 some period of time while you were seeing 16 her in individual sessions? Had she been 17 in the RHU?</b>	
5 A. There was a certain urgency in 6 her voice, a kind of a look what he's 7 done to me. The urgency with which she 8 wanted me to view, the bruises. Some 9 pressure to her speech. Her speech was 10 somewhat rapid, somewhat pressured. I 11 don't recall her crying.		18 A. Well, this speaks to time. But I 19 do know that there was a situation, and 20 I'm not sure if it was before or after 21 this, although I think it's before, okay, 22 where she was evidently found on the 23 fourth floor of the housing unit which 24 would have been at the time an 25 unauthorized area. There was some	
12 Q. <b>Does that mean you don't recall 13 whether or not or you don't have a 14 picture as you view it backwards now of 15 her crying?</b>			
16 A. I don't recall her crying 17 profusely, let's put it that way. She 18 may have become teary-eyed. Again, I 19 don't recall. I do recall general upset, 20 rapid pressured speech, urgency in 21 wanting me to look at the bruises and a 22 kind of indignant sense about her, again, 23 look what he's done to me.			
24 Q. <b>Now, do you recall, after the 25 photographs were taken, where you went?</b>			
	Page 103		Page 105
1 A. Where?		1 question regarding her attire, the fact 2 that she wasn't wearing undergarments. 3 She was caught up there on the fourth 4 floor. I don't know if she was 5 admonished, if she was issued a 6 misconduct, but her explanation for being 7 up on the fourth floor was that she had 8 blackouts.	
2 Q. <b>I mean, what happened after that?</b>		9 Q. <b>How do you know that? Did you 10 read some documents or did you discuss 11 that with her or with somebody else?</b>	
3 A. Well, one of the things that made 4 this difficult was that when she reported 5 this, even though I had made it clear to 6 her, as I had discussed with you earlier, 7 that bringing an allegation like this 8 would mean that I would need to report to 9 authorities. I do recall her initially 10 objecting to that, okay.		12 A. One of the responsibilities that 13 I have as psychology staff here is 14 monitoring the restricted housing unit. 15 And she was in the restricted housing 16 unit in administrative custody as a 17 result of this particular incident and 18 her ---.	
11 Q. <b>On the 13th ---</b>		19 Q. <b>Meaning the incident on the 20 fourth floor?</b>	
12 A. Yes.		21 A. Yeah. Maintaining that she had 22 blackouts. And as I would do rounds in 23 the restricted housing unit, she would be 24 in one of the cells and she would talk to 25 me, okay. She would talk to me about	
13 Q. <b>--- when you said I'm going to 14 have to report this, ---</b>			
15 A. Right.			
16 Q. <b>--- you remember her objecting to 17 that?</b>			
18 A. That is my memory, okay. And my 19 memory's not perfect, but my sense is 20 that she objected to that and I basically 21 told her I've got to do it. And the part 22 of the objection was the fear that she 23 was going to end up locked up.			
24 Q. <b>Did she tell you that?</b>			
25 A. Again, I'm going on memory and I			

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1 what had happened.		1 some things. She was in there for many,	
2 Q. When an inmate --- during this		2 many months.	
3 time period in 1994, when an inmate was		3 ATTORNEY HALLORAN:	
4 confined to the restricted housing unit,		4 I just want to ---.	
5 did your sessions take place in the unit		5 ATTORNEY KRAKOFF:	
6 or do they still take place in your		6 You can't testify for	
7 office?		7 her.	
8 A. No. When they were in the		8 ATTORNEY HALLORAN:	
9 restricted housing unit, we could not		9 No, I'm not. I'm asking	
10 have sessions, okay. It would not be a		10 for clarity. It's my	
11 confidential thing. We would have		11 understanding she was in the RHU	
12 discourse between the fence of the door		12 twice and was your answer just	
13 and where I was out in the hall.		13 now given relating to the second	
14 Q. So the sessions that are listed		14 time she was in the RHU?	
15 on pages one and two of Exhibit Ten,		15 ATTORNEY KRAKOFF:	
16 those would have occur ---?		16 I don't think that's what	
17 A. Those occurred in my office.		17 she said.	
18 Q. So those would have occurred in		18 ATTORNEY HALLORAN:	
19 your office. Okay.		19 Is that what you're	
20 A. But there were many interactions		20 saying?	
21 that I had with Ms. Lambert while she was		21 ATTORNEY KRAKOFF:	
22 maintained in the restricted housing unit		22 Is that something you	
23 that were not documented.		23 want her to say?	
24 Q. And in those interactions, did		24 ATTORNEY HALLORAN:	
25 she discuss any sexual issues with you?		25 No. I mean, I just don't	
	Page 107		Page 109
1 A. Not from this fence, not explicit		1 want the record to be unclear.	
2 allegations or claims that she had		2 ATTORNEY KRAKOFF:	
3 explicit sex with any officer.		3 Okay. Let's get the time	
4 Q. Did she make any reference to any		4 period.	
5 flirtatious encounters between her and		5 A. Well, I mean, either, either	
6 any officers?		6 time, okay, the first time or the second	
7 ATTORNEY KRAKOFF:		7 time.	
8 Now, I'm getting into		8 BY ATTORNEY KRAKOFF:	
9 other context, not the sessions.		9 Q. Now, did you have any encounters	
10 I questioned her about the		10 with Lisa Lambert outside of your office?	
11 sessions.		11 By that, I mean, outside of the context	
12 ATTORNEY HALLORAN:		12 of your office, outside of the context of	
13 I believe her answers		13 the RHU in some other areas of the	
14 with regard to the sessions dealt		14 institution where she related to you any	
15 not with just the sessions, but		15 sexual or flirtatious encounters between	
16 any contacts with her.		16 her and members of the Cambridge Springs	
17 ATTORNEY KRAKOFF:		17 staff?	
18 Let's clarify that.		18 A. No.	
19 BY ATTORNEY KRAKOFF:		19 Q. Now, did you leave the --- after	
20 Q. Do you have any recollection of		20 you left the medical area, did Lisa	
21 whether she discussed any flirtatious		21 accompany you or did you part your ways	
22 encounters between her ---		22 at that point after the photographs were	
23 A. Not specifically.		23 taken?	
24 Q. --- and any officers?		24 A. We did part our ways and what I	
25 A. She may have. She may have said		25 recall was this was getting on late in	

	Page 110	Page 112
<p>1 the afternoon and at the time Charley      2 Utts was acting Superintendent because      3 Superintendent Wolf was out of the      4 institution.</p> <p>5 Q. <b>For the day?</b></p> <p>6 A. For the day. But he had returned      7 late in the day, probably 4:30, five      8 o'clock. And at that point he, of      9 course, took over command and he decided      10 he was going to put Ms. Lambert in the      11 restricted housing unit. So before I      12 left that day, at the time, to my dismay      13 I saw her and an RHU guard being escorted      14 to the restricted housing unit which is      15 contrary, of course, to what I had      16 reassured her based on Deputy Utts      17 reassuring me two hours or an hour and a      18 half earlier.</p> <p>19 Q. <b>Now, where was it that you      20 reassured her that she would ---?</b></p> <p>21 A. That was in my office.</p> <p>22 Q. <b>Okay. After you came back from      23 your meeting with Deputy Utts, it was      24 then that you told her we're going to go      25 to medical, but you're not going to be</b></p>		<p>1 classification center. And then      2 depending on their degree of involvement      3 with the psychology staff, we may augment      4 that file with things of this nature.</p> <p>5 Q. <b>Of the DC-14 nature?</b></p> <p>6 A. Right.</p> <p>7 Q. <b>And if a person hadn't been at      8 Muncy, what would they be classified      9 here?</b></p> <p>10 A. At that time we weren't getting      11 any people that weren't coming from      12 Muncy?</p> <p>13 A. Okay.</p> <p>14 Q. <b>So there was a file more or less      15 for everybody who was admitted to this      16 institution?</b></p> <p>17 A. There's the right to refuse the      18 testing and there are inmates who refuse      19 to participate in that process and they      20 wouldn't have a file.</p> <p>21 Q. <b>Right. In any event, the routine      22 would have been that the DC-14 would be      23 placed in all files that had been opened      24 because of the classification process; is      25 that correct?</b></p>
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<p>1 A. There may have been copies of any 2 EO's that I had written. There may have 3 been copies ---.</p> <p>4 Q. Of any what?</p> <p>5 A. EO's, extraordinary occurrence 6 forms. There may have been copies of 7 misconduct dispositions.</p> <p>8 Q. Did you prepare any extraordinary 9 occurrence form in connection with the 10 allegations made by Lisa Lambert on the 11 13th of October, 1994?</p> <p>12 A. I'm virtually certain I did 13 because that would have been required. I 14 don't have that to look at because I 15 don't have the record. But I bet the 16 bank I did.</p> <p>17 ATTORNEY KRAKOFF: 18 I don't believe that 19 we've received a copy of such a 20 form so that's one of the things 21 that clearly is covered by the 22 request.</p> <p>23 ATTORNEY HALLORAN: 24 We've looked and as far 25 as I know we don't have it. It</p>	<p>Page 114</p> <p>1 A. Yes.</p> <p>2 ATTORNEY HALLORAN: 3 Where it begins with 4 Lisa?</p> <p>5 BY ATTORNEY KRAKOFF:</p> <p>6 Q. Lisa, the string of misconducts 7 then did not turn out to be as bad as 8 they seemed. Initially you wrote that?</p> <p>9 A. Uh-huh (yes).</p> <p>10 Q. I look at the bottom of this. 11 The last sentence reads, I will be 12 stopping by as much as possible. It goes 13 on to the next page. Do you see that?</p> <p>14 A. Uh-huh (yes).</p> <p>15 Q. I take it that page 11 is just 16 the continuation from page --- page 11 is 17 a continuation from page 10; is that 18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And that's your signature?</p> <p>21 A. Yes.</p> <p>22 Q. And it was dated the 17th of '94 23 which means --- of October 1994. So I 24 take it that your response was on the 25 17th of October, is that correct, based</p>
<p>1 might be in the records that we 2 don't have yet.</p> <p>3 BY ATTORNEY KRAKOFF:</p> <p>4 Q. Now, let me refer you to ---.</p> <p>5 ATTORNEY KRAKOFF: 6 And by the way, is now a 7 good time --- I think we must be 8 getting on around 12:00 or 12:15.</p> <p>9 A. It is 12:00.</p> <p>10 SHORT BREAK TAKEN</p> <p>11 BY ATTORNEY KRAKOFF:</p> <p>12 Q. Now, let me refer you to --- 13 refer you. We're on the same exhibit, 14 ten, page ten?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Turn to the 10th page of 17 page 10 (sic). They're marked. I marked 18 them down here. That's a multiple-page 19 exhibit.</p> <p>20 Q. Now, this is an inmates request 21 to a staff member dated the 14th of 22 October, 1994 and it's addressed to you 23 and you'll see the part that says 24 disposition. Is that your handwriting 25 that appears below?</p>	<p>Page 115</p> <p>1 upon ---?</p> <p>2 A. I can't see my 17, but I see 3 yours there.</p> <p>4 ATTORNEY HALLORAN: 5 It's cut off on this 6 copy.</p> <p>7 A. Yes, sir, I see that.</p> <p>8 BY ATTORNEY KRAKOFF:</p> <p>9 Q. Now, briefly, do you have a 10 recollection --- you can review this 11 document, if you'd like, to refresh your 12 recollection if it can. Do you have a 13 recollection of what the string of 14 misconducts referred to?</p> <p>15 A. Not off the bat, no. She's 16 talking up there. She says, I didn't get 17 any time in locks on disciplinary 18 custody, but I'm still locked up anyway. 19 So they have still one. I'm just trying 20 to read.</p> <p>21 ATTORNEY HALLORAN: 22 You can read it quietly 23 to yourself.</p> <p>24 BY ATTORNEY KRAKOFF:</p> <p>25 Q. You can read it to yourself.</p>

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<p>1 WITNESS REVIEWS DOCUMENT</p> <p>2 A. No, I don't recall what that</p> <p>3 means.</p> <p>4 BY ATTORNEY KRAKOFF:</p> <p>5 Q. Okay. Now, if you turn to page</p> <p>6 12 of this exhibit, do you have that?</p> <p>7 A. Yes.</p> <p>8 Q. This is fairly difficult from the</p> <p>9 standpoint of legibility to make out. In</p> <p>10 any event, the bottom part where it says</p> <p>11 disposition you have --- strike that.</p> <p>12 It says, seen in RHU 10/17/94.</p> <p>13 Is that your handwriting?</p> <p>14 A. Yes.</p> <p>15 Q. And that was dated the 18th of</p> <p>16 October 1994?</p> <p>17 A. I don't know if that's the 13th</p> <p>18 or the 18th.</p> <p>19 ATTORNEY HALLORAN:</p> <p>20 It has to be the 18th.</p> <p>21 BY ATTORNEY KRAKOFF:</p> <p>22 Q. Well, it has to be the 18th,</p> <p>23 doesn't it, ---</p> <p>24 A. Okay. All right.</p> <p>25 Q. --- because this was sent on the</p>	<p>1 Q. Okay. Now, do you have a</p> <p>2 recollection of what caused you to</p> <p>3 prepare this document?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. Before I ask you what</p> <p>6 caused you, I'll note that it says, Lisa,</p> <p>7 and then it goes on from there, the text</p> <p>8 of it. Was this a document that you</p> <p>9 addressed to Lisa Lambert?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And what was it that prompted you</p> <p>12 to prepare this document?</p> <p>13 A. I believe that it was the fact</p> <p>14 that initially when she came to me</p> <p>15 reporting the abuse, as I said earlier, I</p> <p>16 assured her that she would not be locked</p> <p>17 up in the restricted housing unit because</p> <p>18 that is what Deputy Utts told me. That</p> <p>19 turned around very quickly. She ended up</p> <p>20 being locked up. And being locked up</p> <p>21 turned out to be a protracted prolonged</p> <p>22 thing for her. And she saw that as a</p> <p>23 betrayal.</p> <p>24 Q. Now, do you have a recollection</p> <p>25 of whether you wrote this in response to</p>	Page 120
<p>1 17th?</p> <p>2 A. Yes, of course.</p> <p>3 Q. Now, turn to page 13 of Exhibit</p> <p>4 Ten, please. And then you'll see page 14</p> <p>5 and page 15. This was a document that</p> <p>6 was turned over during the course of</p> <p>7 discovery and I'm going to ask you some</p> <p>8 questions about this. And this you can</p> <p>9 read to yourself. So in the event you</p> <p>10 haven't done it recently, just so you can</p> <p>11 refresh your recollection. First, I'm</p> <p>12 going to ask you whether this is a</p> <p>13 document that you prepared?</p> <p>14 A. Yes, it is a document that I</p> <p>15 prepared.</p> <p>16 Q. And you note that on page 14, the</p> <p>17 second page of this document, it's dated</p> <p>18 12/16/94. So that's December 16, 1994.</p> <p>19 Do you have any reason to believe that</p> <p>20 that's not an accurate date?</p> <p>21 A. No.</p> <p>22 Q. Okay. Have you read this</p> <p>23 document recently or would you like time</p> <p>24 to review it now?</p> <p>25 A. No, I did read the document.</p>	<p>1 something that Lisa either said to you or</p> <p>2 in response to something Lisa wrote to</p> <p>3 you?</p> <p>4 A. I would suspect that it was a</p> <p>5 response to something that she wrote to</p> <p>6 me.</p> <p>7 Q. Do you know whether this response</p> <p>8 --- whether the --- strike that.</p> <p>9 Do you know whether the</p> <p>10 correspondence of 12/16/94 was delivered</p> <p>11 to Lisa?</p> <p>12 A. I think it probably was. I can't</p> <p>13 say with certainty.</p> <p>14 Q. Do you have a recollection of</p> <p>15 giving this directly to Lisa?</p> <p>16 A. No, I don't deliver it directly.</p> <p>17 It goes through the institutional mail.</p> <p>18 That's why it's addressed the way it is</p> <p>19 here.</p> <p>20 Q. Okay. Now, this document</p> <p>21 addresses two issues; doesn't it? One</p> <p>22 was her feelings of betrayal as you</p> <p>23 referred to on page 15 in the second</p> <p>24 paragraph and then the other addressed a</p> <p>25 videotaping issue; is that correct?</p>	Page 121
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<p>1 A. Yes.</p> <p>2 Q. Let me preface this question with 3 a note that I'm not attempting to split 4 hairs, but I'm attempting to have this 5 correspondence as precisely described by 6 you as possible. Let me refer you to 7 page 14 of Exhibit Ten.</p> <p>8 ATTORNEY HALLORAN: 9 I'll object to the 10 question. The correspondence 11 speaks for itself.</p> <p>12 ATTORNEY KRAKOFF: 13 Okay.</p> <p>14 BY ATTORNEY KRAKOFF:</p> <p>15 Q. Well, then, if it speaks for 16 itself, let me ask you --- you wrote I 17 could not have protected you without 18 notifying others of your reports. That's 19 plural, reports. What reports were you 20 referring to?</p> <p>21 A. I was speaking to the fact that 22 her allegations against Sergeant Raun 23 were very detailed, okay. And that's the 24 only reason I put the S on there. I was 25 speaking specifically about the 10/13/94</p>	<p>Page 122</p> <p>1 A. Under my rules as a human being. 2 Q. Okay. So you weren't referring 3 to any ethical obligation associated with 4 your license, your psychology license; is 5 that correct? 6 A. Not specifically there, no. 7 Q. And so then ethically and morally 8 would have been interchangeable? 9 A. Yes. 10 Q. Now, in the next paragraph, after 11 telling Lisa that you had no authority to 12 release her from the RHU, you noted that 13 you had personally talked with the 14 Superintendent, that means Superintendent 15 Wolf? 16 A. Uh-huh (yes). 17 Q. And you told him that you did not 18 feel that an extended stay in the area, 19 meant the RHU, --- 20 A. Uh-huh (yes). 21 Q. --- is reasonable? Did you, in 22 fact, have a talk with the 23 superintendent? 24 A. I wouldn't have written it down 25 if I didn't.</p>
<p>1 allegations that she made that involved 2 the bruises in the landing.</p> <p>3 Q. Well, what reports? What reports 4 were you referring to?</p> <p>5 A. The verbal reports, her 6 allegations.</p> <p>7 Q. And you viewed that as more than 8 one report to you?</p> <p>9 A. To me that's just a semantic kind 10 of thing there, report, reports, 11 verbalization, verbalizations.</p> <p>12 Q. Okay. You wrote, I am ethically 13 and morally bound to report allegations 14 of abuse. Now, what ethical principles 15 were you referring to? What body or 16 single ethical principle were you 17 referring to?</p> <p>18 A. I wasn't reporting a single 19 specific ethical obligation. I was using 20 that in a generic sense. If an inmate 21 comes to me telling me a staff is 22 physically assaulting her, ethically I 23 need to report that.</p> <p>24 Q. Ethically under your rules as a 25 psychologist?</p>	<p>Page 123</p> <p>1 Q. And do you recall approximately 2 how long prior to writing Lisa that you 3 had that talk with him?</p> <p>4 A. Not exactly how long prior, no, 5 sir.</p> <p>6 Q. Do you recall what you told the 7 superintendent?</p> <p>8 A. I don't recall verbatim.</p> <p>9 Q. Remember I'm never asking you 10 verbatim. You know, I'm asking you the 11 sum and substance.</p> <p>12 A. The sum and substance, I told him 13 that I felt that maintaining her in the 14 restricted housing unit for a prolonged 15 period of time was not reasonable.</p> <p>16 Q. And did you explain to him why 17 you didn't believe it wasn't reasonable?</p> <p>18 A. I don't know if I did or not.</p> <p>19 Q. Did you have an impression in 20 your mind why it was not reasonable for 21 her to be in the RHU for an extended 22 period of time?</p> <p>23 A. Yes, I did.</p> <p>24 Q. And what was that?</p> <p>25 A. The impression in my mind is that</p>

<p>1 it was --- there was a pitfall involved      2 in it and specifically the pitfall was      3 this woman comes reporting abuse at the      4 hands of a staff member, the contingency      5 therein, the consequence is to be locked      6 up in the restricted housing unit for      7 weeks and weeks. I was concerned about      8 the message that it was sending to the      9 population that if you speak out about      10 something like this, that you're going to      11 get locked up. Not to mention the fact      12 that I had some empathy for her being in      13 there day in and day out.</p> <p>14 Q. Now, on page 15, the last      15 paragraph of your correspondence to Lisa,      16 you wrote regarding the videotaping of      17 you upon your return from ATA, what did      18 ATA mean?</p> <p>19 A. That means authorized temporary      20 absence.</p> <p>21 Q. You wrote, I did not know this      22 was happening. Nobody informed me of      23 your return and/or the plan to videotape      24 you. My question is, do you have a      25 recollection of Lisa describing the</p>	Page 126	<p>1 Q. Did anybody at Cambridge Springs,      2 and that's anybody from Superintendent      3 Wolf on down the chain of command through      4 the commission officers, at any point      5 question you about Officer Icker's      6 alleged relationships between --- with      7 Cambridge Springs women?</p> <p>8 A. Not that I can recall, sir.</p> <p>9 Q. Did you at any point ever prepare      10 anything in writing related to possible      11 inappropriate contact between Officer      12 Icker and Cambridge Springs inmates?</p> <p>13 A. Not that I can recall, sir.</p> <p>14 Q. Did you provide any testimony at      15 Officer Icker's criminal trial?</p> <p>16 A. No, sir.</p> <p>17 Q. So as far as you can recall,      18 neither Superintendent Wolf nor Deputy      19 Superintendent Utts nor Deputy      20 Superintendent Karmanic nor the captain      21 of security nor any lieutenants      22 questioned you about anything that Lisa      23 Lambert might have told you about contact      24 between her and Officer Icker; is that      25 correct?</p>	Page 128
<p>1 videotaping to you?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. Do you have a recollection      4 of having any sessions with Lisa Lambert      5 in your office after the 13th of October      6 1994, the date that you went with her to      7 the medical department?</p> <p>8 A. No, sir.</p> <p>9 Q. Now, it came to your attention at      10 some point, didn't it, that Officer Icker      11 was under investigation by OPR for      12 possible sexual encounters with Cambridge      13 Springs inmates?</p> <p>14 A. What's OPR stand for?</p> <p>15 Q. Office of Professional      16 Responsibility?</p> <p>17 A. No, I was not aware that that      18 organization even existed.</p> <p>19 Q. Did anybody from the central      20 office of the Department of Corrections      21 ever meet with you to address issues      22 involving alleged, inappropriate contact      23 between Officer Icker and Cambridge      24 Springs inmates?</p> <p>25 A. Not that I can recall, sir.</p>	Page 127	<p>1 A. That's correct.</p> <p>2 Q. Did any of those persons or job      3 titles, positions, question you about any      4 information you might have about alleged      5 inappropriate contact between any other      6 Cambridge Springs inmates and Cambridge      7 Springs staff?</p> <p>8 A. Not that I can recall.</p> <p>9 Q. Did Robin Phillips at any point      10 in her involvement with you in group      11 sessions ever discuss any allegations of      12 inappropriate conduct on the part of      13 Marty Miller toward her?</p> <p>14 A. Yes, but it was post-conviction      15 of Marty Miller.</p> <p>16 Q. Okay. What did she tell you?</p> <p>17 A. She basically verbalized      18 dissatisfaction, frustration with the      19 fact that he had received what she      20 perceived as a light sentence for his      21 crimes and then less than a year ago she      22 apparently got some correspondence      23 regarding Mr. Miller's pending release.      24 And she brought that into group one day      25 and showed it to me and, again,</p>	Page 129

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<p>1 verbalized upset, frustration with the      2 fact that he was getting out of jail.      3 Q. <b>Did she ever discuss with you</b>      4 <b>what Marty Miller had allegedly done to</b>      5 <b>her?</b></p> <p>6 A. Not until after his conviction?</p> <p>7 Q. <b>But then after did she?</b></p> <p>8 A. I believe that she did at one      9 point indicate that his inclination, his      10 propensity was to grope, grope her      11 breast.</p> <p>12 Q. <b>Okay. I asked you whether she</b>      13 <b>had told you anything in the context of</b>      14 <b>group sessions about Marty Miller. Had</b>      15 <b>she had any discussions with you in any</b>      16 <b>other context about Marty Miller and his</b>      17 <b>behavior toward her or other Cambridge</b>      18 <b>Springs women?</b></p> <p>19 A. No, sir.</p> <p>20 Q. <b>What about Sylvia Vasquez? Did</b>      21 <b>she have any discussions with you about</b>      22 <b>allegedly inappropriate behavior by Marty</b>      23 <b>Miller toward her or any other prisoners?</b></p> <p>24 A. Yes, she did, sir.</p> <p>25 Q. <b>Okay. And do you recall when she</b></p>	<p>1 initially that she could get this man to      2 stop what he was doing without having to      3 come forward. She talked about some of      4 her feelings associated with his      5 approaches of her.</p> <p>6 Q. <b>What did she say about her</b>      7 <b>feelings?</b></p> <p>8 A. She talked about typically      9 identified feelings as far as victims of      10 sexual assault and molestation.</p> <p>11 Q. <b>Well, you've got to tell me what</b>      12 <b>those are?</b></p> <p>13 A. Powerless, helpless, ashamed,      14 anxious, afraid.</p> <p>15 Q. <b>Were these during individual</b>      16 <b>counseling sessions ---</b></p> <p>17 A. Yes.</p> <p>18 Q. <b>--- that she told you about that?</b></p> <p>19 A. Yes, sir.</p> <p>20 Q. <b>And can you set a time period ---</b>      21 <b>an approximate time period? I know that</b>      22 <b>you told me when they occurred.</b></p> <p>23 A. Not more than what I've already      24 done. It was during the time that --- I      25 believe sometime in between his being</p>	
	Page 131	Page 133
<p>1 <b>first approached the subject?</b></p> <p>2 A. Yes. It was after she had      3 already reported to other personnel in      4 the institution. In fact, it was after      5 Mr. Miller was removed from his position      6 in the institution. It was, to the best      7 of my recollection, at the time that      8 there was --- the trial --- he was being      9 prepared for trial and she sought out      10 some assistance with the whole      11 circumstance, the whole thing.</p> <p>12 Q. <b>Assistance of what nature?</b></p> <p>13 A. Well, I think that she was      14 struggling with having reported. I think      15 that she was struggling with the      16 probability of having to testify at his      17 trial. I think that she was struggling      18 with some of her associates/friends'      19 reactions to her reporting the      20 allegations. I think she was struggling      21 with the after effects of what Mr. Miller .      22 had done.</p> <p>23 Q. <b>What did she tell you about the</b>      24 <b>after effects?</b></p> <p>25 A. She talked about believing</p>	<p>1 arrested officially and the time that      2 they went to trial and during the course      3 of the trial itself I saw her.</p> <p>4 Q. <b>Do you have any of her records</b>      5 <b>with you?</b></p> <p>6 A. No, sir.</p> <p>7 Q. <b>Do you have a recollection of how</b>      8 <b>many times you saw her?</b></p> <p>9 A. I would estimate that I saw Ms.      10 Vasquez anywhere between seven and ten      11 sessions, probably closer to seven then      12 ten.</p> <p>13 Q. <b>Okay. And were all of those</b>      14 <b>sessions --- strike that.</b></p> <p>15 <b>Was her initial contact with you</b>      16 <b>expressly related to the Miller</b>      17 <b>situation?</b></p> <p>18 A. Yes, sir.</p> <p>19 Q. <b>And do you recall what her</b>      20 <b>demeanor was like when she first began to</b>      21 <b>speak to you about the Miller situation?</b></p> <p>22 A. Yes. She was anxious. I would      23 say that that was the primary mood that I      24 was picking up on, anxiety.</p> <p>25 Q. <b>How could you detect the anxiety?</b></p>	

<p>1 <b>What did you see?</b></p> <p>2 A. Nervous mannerisms, fidgeting, 3 again, a certain rapidness about her 4 speech, a certain pressured quality to 5 her speech.</p> <p>6 Q. <b>Do you recall her crying during</b> 7 --- <b>when she first contacted you?</b></p> <p>8 A. I don't recall that being 9 presented, that tears being presented 10 initially were there.</p> <p>11 Q. <b>What about later?</b></p> <p>12 A. I would say that there was 13 certainly a possibility that some tears 14 were shed during the course of those 15 approximately seven sessions.</p> <p>16 Q. <b>Did she appear to be depressed to</b> 17 <b>you?</b></p> <p>18 A. Yeah, she did appear to be 19 somewhat depressed. There were other 20 stressors going on in her life as well.</p> <p>21 Q. <b>Okay. With her daughter?</b></p> <p>22 A. With her daughter, with her son, 23 with trying to get back to the State of 24 New Jersey on parole, with her 25 relationship with another inmate here and</p>	<p>Page 134</p> <p>1 A. Yes, I do. I don't know if she 2 used the term snitch. I did get the 3 sense that she was getting some input, 4 some comments from some of the other 5 women --- the other women, excuse me, 6 that were not completely supportive, 7 okay. That were in some ways derogatory 8 and not supportive.</p> <p>9 Q. <b>Okay. Did you get any impression</b> 10 ---?</p> <p>11 ATTORNEY KRAKOFF: 12 Do you want to take a 13 break? Do you want to eat?</p> <p>14 A. I'm just saying I don't know if I 15 can go without eating all day long.</p> <p>16 ATTORNEY KRAKOFF: 17 Well, let's take a break. 18 Let's take a break.</p> <p>19 ATTORNEY HALLORAN: 20 Mr. Krakoff, how much 21 more do you have? You can't have 22 that much.</p> <p>23 ATTORNEY KRAKOFF: 24 No. 25 LUNCH BREAK TAKEN</p>
<p>1 that tied into the Marty Miller thing.</p> <p>2 Q. <b>What was the relationship? What</b> 3 <b>do you mean by the relationship?</b></p> <p>4 A. She had a close relationship with 5 another woman here?</p> <p>6 Q. <b>Of a sexual nature?</b></p> <p>7 A. I don't know that.</p> <p>8 Q. <b>Okay. You said earlier that she</b> 9 <b>had talked about what other inmates were</b> 10 --- <b>I don't remember what the exact words</b> 11 <b>were, but it had something to do with the</b> 12 --- <b>one of the issues she discussed with</b> 13 <b>you or how I believe the thrust of it was</b> 14 <b>how other inmates perceived her reporting</b> 15 <b>what Miller had done; is that accurate?</b></p> <p>16 A. That's accurate.</p> <p>17 Q. <b>Okay. And how did she describe</b> 18 <b>that?</b></p> <p>19 A. The sense that I got was that not 20 all other inmates were supportive of what 21 she had done.</p> <p>22 Q. <b>Did she talk about any of them</b> 23 <b>viewing her as a snitch or --- you know</b> 24 <b>what the word snitch means in the prison</b> 25 <b>context?</b></p>	<p>Page 135</p> <p>1 BY ATTORNEY KRAKOFF: 2 Q. <b>Would your practice of</b> 3 <b>interviewing or speaking with inmates</b> 4 <b>during the individual sessions for</b> 5 <b>approximately 50 minutes, was that still</b> 6 <b>your practice when you saw Sylvia</b> 7 <b>Vasquez?</b></p> <p>8 A. Yes.</p> <p>9 Q. <b>Do you have any recollection of</b> 10 <b>whether Sylvia Vasquez saw anybody in the</b> 11 <b>psychology department in addition to you?</b></p> <p>12 A. No. I'm not saying that that's 13 not a possibility. I just don't have a 14 recollection.</p> <p>15 Q. <b>Did you make a referral for</b> 16 <b>Sylvia Vasquez to be seen by any</b> 17 <b>physician or psychiatrist?</b></p> <p>18 A. I may have done that, but I 19 cannot say for certain.</p> <p>20 Q. <b>What about for Robin Phillips?</b></p> <p>21 A. No, I have never referred Robin 22 Phillips for a psychiatric evaluation.</p> <p>23 Q. <b>Did you view your sessions with</b> 24 <b>Sylvia Vasquez as individual counseling</b> 25 <b>sessions or did you view those as</b></p>

<p>1 <b>individual therapy sessions?</b></p> <p>2 A. Counseling, supportive individual</p> <p>3 counseling.</p> <p>4 Q. <b>Were there people during 1994,</b></p> <p>5 <b>1995 or 1996 who you were seeing for</b></p> <p>6 <b>individual therapy sessions?</b></p> <p>7 A. I would say so, yes.</p> <p>8 Q. <b>So when you made reference in</b></p> <p>9 <b>Exhibit Ten to participating in</b></p> <p>10 <b>individual therapy sessions with Lisa</b></p> <p>11 <b>Lambert on the 15th and 26th of August,</b></p> <p>12 <b>that was in this statement?</b></p> <p>13 A. I would have been better to</p> <p>14 phrase that as counseling.</p> <p>15 Q. <b>And when you counsel an inmate,</b></p> <p>16 <b>does that include giving the inmates</b></p> <p>17 <b>advice?</b></p> <p>18 A. It can.</p> <p>19 Q. <b>And what in a generic sense</b></p> <p>20 <b>determines whether you go from --- strike</b></p> <p>21 <b>that.</b></p> <p>22     <b>In a generic sense, what</b></p> <p>23 <b>determines whether you're going to see an</b></p> <p>24 <b>inmate for counseling or whether you're</b></p> <p>25 <b>going to see an inmate in contrast for</b></p>	<p>Page 138</p> <p>1 what we come to call Freddy Krueger's</p> <p>2 over there, cahoots check or whatever</p> <p>3 it's called. She talked about how he</p> <p>4 would split up the crews and how she</p> <p>5 would try to not be in a position where</p> <p>6 she would have to work with him, just him</p> <p>7 and her. And the different ways that she</p> <p>8 would try to avoid that and how it would</p> <p>9 ultimately end up where she would end up</p> <p>10 having to work side by side.</p> <p>11     Again, we're talking substance</p> <p>12 rather than specific verbatim content. I</p> <p>13 recall her talking about him unzipping</p> <p>14 his zipper, exposing his penis,</p> <p>15 soliciting oral sex from her.</p> <p>16 Q. <b>And did she talk about after it</b></p> <p>17 <b>was solicited, what, if anything,</b></p> <p>18 <b>occurred?</b></p> <p>19 A. No.</p> <p>20 Q. <b>Did she ever talk about anything</b></p> <p>21 <b>in a sexual nature other than exposing</b></p> <p>22 <b>himself that he did to her?</b></p> <p>23 A. That's what stands out, although</p> <p>24 she may have talked about, you know, him</p> <p>25 having an inclination to rub up against</p>
<p>1 <b>therapy?</b></p> <p>2 A. I would say primarily two things,</p> <p>3 what the presenting problem is and my</p> <p>4 resources at the time. And by resources,</p> <p>5 I mean staff compared to demand,</p> <p>6 workload.</p> <p>7 Q. <b>Is therapy more difficult from</b></p> <p>8 <b>the standpoint of time constraints?</b></p> <p>9 A. Well, therapy is not necessarily</p> <p>10 undertaken in a period of acute distress.</p> <p>11 Therapy is more something that one</p> <p>12 initiates because of long-standing</p> <p>13 patterns of maladaptive behavior rather</p> <p>14 than one precipitating event.</p> <p>15 Q. <b>Okay. The counseling would then</b></p> <p>16 <b>be generally when there's one</b></p> <p>17 <b>precipitating event?</b></p> <p>18 A. Exactly.</p> <p>19 Q. <b>Did Sylvia Vasquez ever describe</b></p> <p>20 <b>to you what it was that Marty Miller had</b></p> <p>21 <b>allegedly done to her?</b></p> <p>22 A. I believe that she talked to me</p> <p>23 about working with him on the plumbing</p> <p>24 crew, being in relatively isolated parts</p> <p>25 of a building, and I believe specifically</p>	<p>Page 139</p> <p>1 her in an unwanted way. I think it's</p> <p>2 called frottage or something of that</p> <p>3 nature that he was just kind of in her</p> <p>4 space and in an unwanted way.</p> <p>5 Q. <b>Did she ever describe him</b></p> <p>6 <b>touching her genital areas?</b></p> <p>7 A. She may have done that, but I</p> <p>8 don't recall that specifically.</p> <p>9 Q. <b>What about her breasts?</b></p> <p>10 A. She may have done that.</p> <p>11 Q. <b>Now, had any women, prior to your</b></p> <p>12 <b>counseling Sylvia Vasquez, registered any</b></p> <p>13 <b>complaints about Marty Miller getting in</b></p> <p>14 <b>their space?</b></p> <p>15 A. Yes, sir.</p> <p>16 Q. <b>And did you report any of those</b></p> <p>17 <b>to any --- any of those allegations to</b></p> <p>18 <b>any members of the staff?</b></p> <p>19 A. Yes, sir.</p> <p>20 Q. <b>And do you recall approximately</b></p> <p>21 <b>when it was that you reported that?</b></p> <p>22 A. No, sir.</p> <p>23 Q. <b>Do you recall the year?</b></p> <p>24 A. I would guess 1995 or 1996.</p> <p>25 Q. <b>Was this something that you</b></p>

<p>1 reported in response to something --- in 2 response to somebody coming to you or did 3 you initiate it?</p> <p>4 A. No, it was something that I did 5 in response to an inmate coming to me and 6 reporting to me that Mr. Miller had 7 behaved inappropriately towards her. And 8 that as a consequence she wanted to take 9 a job change. She wanted to get away 10 from the man.</p> <p>11 Q. I'm not going to ask you to name 12 the inmate, but I'm going to ask you to 13 relate the substance of what she said 14 Miller had done toward her?</p> <p>15 A. She told me that he called her 16 into his office and that he basically 17 backed her up against the wall and he 18 groped her breast.</p> <p>19 Q. Okay. After you received that 20 information, who did you go to?</p> <p>21 A. After I received that 22 information, I wrote it up on an 23 extraordinary occurrence form and sent it 24 to the intelligence captain. I also 25 talked with Deputy Charles Utts and I</p>	<p>Page 142</p>	<p>1 response was to, in essence, validate my 2 feelings, indicate that this was not the 3 first time that someone had come to him 4 with suspicions that Mr. Miller was 5 inappropriate. But also to let me know 6 that investigations are a process that 7 involves several steps and that we 8 couldn't --- you know, basically implying 9 that we couldn't just step off and, you 10 know, can the man based on one allegation 11 here. That we needed to take the 12 investigatory steps to find out what was 13 going on.</p> <p>14 Q. Did he indicate to you that there 15 was already an investigation of Miller in 16 progress?</p> <p>17 A. I don't remember for certain, but 18 I do have a sense that this was not the 19 first time, okay, that Mr. Miller's name 20 had arisen with regard to inappropriate 21 interactions with females.</p> <p>22 Q. Did Mr. Utts explicitly tell you 23 that he had any concerns about Marty 24 Miller?</p> <p>25 A. Sure. He was concerned because I</p>	<p>Page 144</p>
<p>1 also talked with Superintendent Wolf 2 about it.</p> <p>3 Q. When you spoke with Deputy 4 Superintendent Utts, what did you tell 5 him?</p> <p>6 A. The substance of what I told him 7 was that I had concerns about Mr. Marty 8 Miller. That I had no reason whatsoever 9 to believe that this particular woman 10 would fabricate such an allegation and 11 that my intuitive sense was that the man 12 was inappropriate in his interactions 13 with the women.</p> <p>14 Q. Okay. Plural, women as opposed 15 to woman?</p> <p>16 A. I am plural because my training 17 with regard to the nature of people who 18 commit sexual offenses and treating 19 sexual offenders is that rarely do you 20 see a man who sexual assaults one person, 21 one time in his life and that's the only 22 reason I make a plural there.</p> <p>23 Q. What was Deputy Superintendent 24 Utts' response?</p> <p>25 A. Deputy Superintendent Utts'</p>	<p>Page 143</p>	<p>1 was concerned.</p> <p>2 Q. But did he indicate to you that 3 he was concerned because of what you said 4 or did he indicate to you that his 5 concern was broader than that?</p> <p>6 A. As I said, he did indicate to me 7 that I was not the first person, okay, to 8 come to him or to report by some 9 mechanism that Mr. Marty Miller's 10 interactions with females were less than 11 appropriate.</p> <p>12 Q. Female inmates?</p> <p>13 A. Females generally.</p> <p>14 Q. Generally. Okay. So you 15 couldn't conclude from that discussion 16 whether he was referring to female staff 17 members or female inmates?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Yes, you couldn't conclude?</p> <p>20 A. That's correct.</p> <p>21 Q. Now, you said that you spoke with 22 Officer --- strike that.</p> <p>23 You said that you spoke with 24 Superintendent Wolf also about what that 25 inmate had told you; is that correct?</p>	<p>Page 145</p>

	Page 146		Page 148
<p>1 A. Yes, sir.</p> <p>2 Q. Did you speak with Superintendent 3 Wolf before or after you spoke with 4 Deputy Superintendent Utts?</p> <p>5 A. It was concurrently. In fact, 6 the reason I spoke with Superintendent 7 Wolf was because he happened to come into 8 the office while I was talking to Deputy 9 Utts about it, coincidentally.</p> <p>10 Q. All right. And what is your 11 recollection, if you have one, of what 12 Superintendent Wolf's reaction was?</p> <p>13 A. Pretty much the same as how I've 14 described Deputy Utts' reaction.</p> <p>15 Q. He indicated to you then that he 16 was aware of concerns about Marty Miller 17 prior to the day that you related the 18 information?</p> <p>19 A. That is my recall, sir.</p> <p>20 Q. Now, after that, did you have any 21 discussions with any other members of the 22 staff in conjunction with the complaint 23 about Marty Miller from the woman that 24 you had referred to?</p> <p>25 A. Not that I'm able to recall, sir.</p>		<p>1 Q. Now, did you see her in your 2 office?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what did she --- the 5 sum and substance, what did she tell you?</p> <p>6 A. She told me that Mr. Miller was, 7 quote, unquote, a horny toad.</p> <p>8 Q. Okay.</p> <p>9 A. And that she was sick of the way 10 that he was around the women, that 11 somebody ought to do something about him. 12 She, again, had a major mental illness so 13 there was some tangentially about her 14 speech. She was not real goal directed 15 and always logical in her reports, but 16 she kind of rambled about candy. Okay. 17 About him bringing candy for the women 18 alluding that this was how he would get 19 sexual favors for them.</p> <p>20 Q. Did she describe anything sexual 21 that he did --- allegedly did with any of 22 the women prisoners?</p> <p>23 A. I believe that she talked more 24 about his language. Okay. About his 25 language being sexually laden, about</p>	
<p>1 Q. Okay. Other than that woman and 2 Sylvia Vasquez, were there any other 3 women prisoners who discussed Marty 4 Miller either getting in their space or 5 acting inappropriately toward them?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And do you recall when that --- 8 when approximately that woman related the 9 information to you?</p> <p>10 A. When? No, sir.</p> <p>11 Q. Was it before or after the 12 meeting with the other woman you referred 13 to. Let's call ---</p> <p>14 A. I would say after.</p> <p>15 Q. --- her inmate A ---</p> <p>16 A. I would say after.</p> <p>17 Q. --- so that we can identify. So 18 we'll call her, the one subsequent inmate 19 B. Were you seeing inmate B in 20 counseling?</p> <p>21 A. Inmate B had a major psychiatric 22 illness and my interactions with her were 23 more kind of monitoring and tracking her 24 stability with regard to her mental 25 illness.</p>	Page 147	<p>1 possibly gestures, again, the space 2 issues.</p> <p>3 Q. Did she get specific about his 4 language?</p> <p>5 A. No. She may have, but I don't 6 recall.</p> <p>7 Q. Now, your discussion with inmate 8 B, did that occur before Marty Miller was 9 removed from the institution?</p> <p>10 A. I do believe so, yes, sir.</p> <p>11 Q. Do you recall how long before he 12 was removed?</p> <p>13 A. No, sir. I don't think too long 14 before.</p> <p>15 Q. By too long, approximately what 16 --- are you talking about a matter of 17 days or weeks or months?</p> <p>18 A. Not a matter of days. Less than 19 six months.</p> <p>20 Q. Okay. Was there an inmate C?</p> <p>21 A. No, sir, not prior to his 22 conviction.</p> <p>23 Q. Now, what, if anything, did you 24 do with the information that you were 25 given by inmate B?</p>	Page 149

	Page 150		Page 152
1 A. I wrote it up on an extraordinary 2 occurrence form.		1 I don't have yet, I don't know if 2 we have them. Although, I do 3 believe we have reference to the 4 inmates' names in the ---.	
3 Q. Okay. And the extraordinary 4 occurrence form, that's something that is 5 distributed ultimately to whom?		5 ATTORNEY KRAKOFF: 6 Well, you can get that 7 information from her, I think, by 8 just --- you know, when I'm not 9 here, ask her what the names are.	
6 A. I'm not sure who all was cc'd. I 7 know that the deputy of facility 8 management gets a copy and that the 9 intelligence captain gets a copy.		10 Maybe they'll be in the inmate 11 files.	
10 Q. Who did you direct the 11 extraordinary occurrence form to?		12 ATTORNEY HALLORAN: 13 They might be.	
12 A. Those, to my knowledge, are 13 supposed to be routinely directed to the 14 deputy of facility management.		14 ATTORNEY KRAKOFF: 15 Is it your understanding 16 that there's like no central 17 repository of a collection of 18 extraordinary occurrence reports, 19 that you'd have to go to specific 20 files to get them?	
15 Q. Who was?		21 ATTORNEY HALLORAN: 22 I remember how I keep 23 them.	
16 A. Deputy Karmanic.		24 ATTORNEY KRAKOFF: 25 Okay.	
17 Q. Now, were you interviewed about 18 that this guy --- the information you 19 received from inmate B? Did anybody on 20 the staff come to you to ask any 21 questions about what was in your report?			
22 A. I don't remember.			
23 Q. Did inmate B say that any of the 24 things that she had described, sexual 25 laden language, gestures, space intrusion			
	Page 151		Page 153
1 or candy had been done to her or given to 2 her?		1 LUNCH BREAK TAKEN 2 BY ATTORNEY KRAKOFF:	
3 A. I don't think she said that, no.		3 Q. Ms. Wolfgang, in any discussions 4 that you might have had with other staff 5 members or any conversations that took 6 place when you were present, did you hear 7 any talk about any allegations of 8 inappropriate sexual contact between 9 Cambridge Springs personnel and Cambridge 10 Springs inmates during the years 1994, 11 1995 or 1996?	
4 Q. So as you understood it, this is 5 something that she was describing 6 happening between Miller and other 7 inmates rather than between Miller and 8 herself?		12 A. Yes, sir.	
9 A. Yes.		13 Q. Okay. And can you tell me what 14 you recall about those discussions or 15 conversations?	
10 Q. Do you recall whether your 11 extraordinary occurrence report 12 identified your source of information, 13 i.e., inmate B by name?		16 ATTORNEY HALLORAN: 17 Are you talking about 18 inmates to her?	
14 A. Yes, sir.		19 ATTORNEY KRAKOFF: 20 No.	
15 ATTORNEY KRAKOFF: 16 I don't think, Mr. 17 Halloran, that I received either 18 of the extraordinary occurrence 19 reports that have been testified 20 to and I would like to, you know, 21 have copies of those.		21 BY ATTORNEY KRAKOFF: 22 Q. I've already asked about other 23 inmates relating things to you. But now 24 what I'm talking about is while you were 25 present either in a conversation that you	
22 ATTORNEY HALLORAN: 23 We've looked for the 24 extraordinary occurrence reports, 25 unless they're in the records we			

<p style="text-align: right;">Page 154</p> <p>1 had with another member of the Cambridge      2 Springs staff or that you were present      3 during did you hear any talk about      4 inappropriate sexual contact between      5 Cambridge Springs personnel and inmates?      6 A. Yes, but that would be limited to      7 --- through the grapevine gossip      8 variety-type stuff at lunchtime, not in      9 an official investigatory capacity.      10 Q. Let's focus on the year 1994. Do      11 you recall any --- strike that.      12 Let's focus on the year 1993.      13 Did you hear any gossip about      14 inappropriate sexual contact between      15 personnel and Cambridge Springs inmates?      16 A. I would not be able to isolate      17 1993.      18 Q. What about 1994?      19 A. I would say, if we're talking      20 1994, yes.      21 Q. Who do you recall being the      22 subject of the gossip?      23 A. I recall at that point Carl      24 Zimmerman was the subject of the gossip.      25 Q. Okay. Was he still working at</p>	<p style="text-align: right;">Page 156</p> <p>1 A. I don't recall.      2 Q. What about Deputy Karmanic?      3 A. I don't recall.      4 Q. What about Lieutenant Bartlet      5 (phonetic)?      6 A. I don't recall.      7 Q. Did you take any of that gossip      8 to any of those persons that I      9 identified?      10 A. No, sir.      11 Q. Other than Carl Zimmerman in      12 1994, do you recall hearing any gossip      13 about any other personnel?      14 A. The only other person would be      15 Mr. Marty Miller, but I can't ascertain      16 whether that was '94 or '95 or '96.      17 Q. Okay. In 1995, do you have any      18 recollection of hearing gossip about any      19 personnel in the nature that I asked      20 about?      21 A. I may have heard some gossip      22 about Mr. Marty Miller by 1995.      23 Q. Anybody else?      24 A. No, sir.      25 Q. What about 1996, possibly Miller</p>
<p style="text-align: right;">Page 155</p> <p>1 the prison when you first heard the      2 gossip about Carl Zimmerman?      3 A. Yes.      4 Q. And what was the gossip that you      5 heard about him?      6 A. The gossip had to do with him      7 being in the restricted housing unit when      8 you really didn't have any reason to be      9 in the restricted housing unit. It had      10 to do with him coming into work at odd      11 shifts for reasons that were suspect. It      12 had to do with him always apparently      13 having Ms. Gunderson by his side, these      14 types of things.      15 Q. Do you recall whether      16 Superintendent Wolf was present during      17 any of that gossip?      18 A. No, sir.      19 Q. What about Deputy Utts?      20 ATTORNEY HALLORAN:      21 Do you mean you don't      22 recall or they weren't present?      23 A. I mean, I don't recall.      24 BY ATTORNEY KRAKOFF:      25 Q. What about Deputy Utts?</p>	<p style="text-align: right;">Page 157</p> <p>1 I take it?      2 A. Yes.      3 Q. Anybody else?      4 A. No, sir.      5 Q. I take it --- so I can focus      6 specifically that you didn't hear any      7 gossip about Officer Raun?      8 A. I may have heard some gossip      9 about Officer Raun. I don't know for      10 sure. I don't remember hearing a lot      11 about it, no, other than what Ms. Lambert      12 had disclosed that we already talked      13 about.      14 Q. What about Icker? Do you recall      15 any gossip about him?      16 A. I don't remember Icker coming      17 onto the scene. I don't know if he was      18 even employed here in 1995. He might      19 have been. No, I don't recall any gossip      20 about Icker.      21 Q. Okay.      22 A. Maybe he was here in '95.      23 Q. Let me refer you to page 10 of      24 Exhibit Ten. It's the inmate's request      25 to staff member dated October 14, 1994.</p>

<p>1 A. Yes.</p> <p>2 Q. You'll note on line six she</p> <p>3 writes --- Lisa Lambert writes, I'm still</p> <p>4 being kept away from my friend and she</p> <p>5 goes on from there. Do you have a</p> <p>6 recollection of whether --- after</p> <p>7 receiving this, whether Lisa Lambert</p> <p>8 identified who that friend was?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you recall whether at any</p> <p>11 point she identified to you who the</p> <p>12 friend was that she was referring to?</p> <p>13 A. She may have been talking about</p> <p>14 LeeAnn Javka (phonetic).</p> <p>15 Q. Okay. But you're not sure; is</p> <p>16 that right?</p> <p>17 A. That's correct.</p> <p>18 Q. And then she goes on to say, I'm</p> <p>19 not sorry I showed them what he did.</p> <p>20 Someone has to make him stop. I just</p> <p>21 want him to stop and she has that</p> <p>22 underlined. Did she ever clarify to you</p> <p>23 who she was referring to when she said, I</p> <p>24 just want him to stop?</p> <p>25 A. Given that this was dated on the</p>	<p>Page 158</p> <p>1 correspondence to Lisa.</p> <p>2 A. Uh-huh (yes).</p> <p>3 Q. In the second paragraph, you</p> <p>4 wrote, you've said to me that for two</p> <p>5 years you tried to tell people here that</p> <p>6 the officer was hurting you, but that</p> <p>7 nobody listened or believed. What</p> <p>8 officer were you referring to?</p> <p>9 A. Officer Raun.</p> <p>10 Q. And when writing, quote, you've</p> <p>11 said to me that for two years you tried</p> <p>12 to tell people here that the officer was</p> <p>13 hurting you, but that nobody listened or</p> <p>14 believed, had she told you that she had</p> <p>15 tried for two years to tell people at the</p> <p>16 prison that Officer Raun was hurting her?</p> <p>17 Had she told you that during your</p> <p>18 counseling sessions or had she told you</p> <p>19 that sometime after her last counseling</p> <p>20 session with you in October?</p> <p>21 A. She told me that during the</p> <p>22 counseling sessions.</p> <p>23 Q. Okay. And did she describe to</p> <p>24 you how Officer Raun was hurting her?</p> <p>25 A. Yes. In the manner that I've</p>
<p>1 14th and the incident that we spoke about</p> <p>2 occurring on the 13th involved the</p> <p>3 allegations of assault at the hands of</p> <p>4 Officer Raun, I would say that him refers</p> <p>5 to Officer Raun, Sergeant Raun at the</p> <p>6 time.</p> <p>7 Q. You're interpreting that from the</p> <p>8 --- or you're inferring that from the</p> <p>9 context; correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Did she ever --- after you</p> <p>12 received this, did you have any</p> <p>13 discussion with her about --- that would</p> <p>14 have identified who she was talking</p> <p>15 about?</p> <p>16 A. Well, as I indicated, I would</p> <p>17 monitor the restrictive housing unit and</p> <p>18 I would see her in the context of that</p> <p>19 monitoring and given that she had come to</p> <p>20 me with the allegations, I'm sure that we</p> <p>21 did have some discussion of what she had</p> <p>22 said, what she had alleged, what was</p> <p>23 going on from her vantage point.</p> <p>24 Q. Okay. If you can turn to page 14</p> <p>25 of Exhibit Ten, that's the 12/16/94</p>	<p>Page 159</p> <p>1 spoken of earlier in this testimony to</p> <p>2 the staring/stalking-type behaviors.</p> <p>3 Q. Okay. So you weren't referring</p> <p>4 to any sort of physical hurting?</p> <p>5 A. Not up to that point.</p> <p>6 Q. On page 15 of the exhibit in the</p> <p>7 second paragraph you wrote, quote, I can</p> <p>8 appreciate your feelings of betrayal and</p> <p>9 your not wanting to see me. Did she use</p> <p>10 that word to you that she felt betrayed?</p> <p>11 A. I don't know for sure, sir.</p> <p>12 Q. Now, had she told you that she</p> <p>13 didn't want to see you before you wrote</p> <p>14 this?</p> <p>15 A. I think maybe that was part of</p> <p>16 what she said, wasn't it, in this</p> <p>17 response? Where's the inmate request</p> <p>18 that goes along with this?</p> <p>19 Q. We don't have that.</p> <p>20 A. My guess is that usually when I</p> <p>21 respond to these, I deal directly with</p> <p>22 the content of the inmate's request, what</p> <p>23 she has said in the request.</p> <p>24 Q. Right.</p> <p>25 A. And I address those issues in my</p>

<p>1 response. So my guess is that she had 2 indicated to me, I don't want to see you 3 anymore. That's a guess.</p> <p>4 Q. You think or you're guessing that 5 she submitted a request to you?</p> <p>6 A. Right.</p> <p>7 Q. But you don't have an independent 8 recollection of that; is that correct?</p> <p>9 A. No, sir. But I don't think I 10 would have said that unless that was in 11 there.</p> <p>12 Q. She could have told you that, 13 though, couldn't she, face to face?</p> <p>14 A. She could have, but I don't think 15 she would have.</p> <p>16 ATTORNEY KRAKOFF: 17 Obviously, when Lisa's 18 file is obtained, if there is a 19 request associated that led --- 20 you know, that proceeded this, 21 we'd like to have that.</p> <p>22 BY ATTORNEY KRAKOFF:</p> <p>23 Q. I'm not asking you about a 24 specific inmate's complaint or --- strike 25 that.</p>	<p>Page 162</p> <p>1 Q. Did you have any general 2 discussions with Superintendent Wolf in 3 which you expressed concerns that inmates 4 at Cambridge Springs ---</p> <p>5 ATTORNEY HALLORAN: 6 Generally.</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. --- generally and Cambridge 9 Springs personnel might be involved in 10 sexual contact, that sexual harassment 11 might be occurring or that there might be 12 inappropriate romantic encounters between 13 Cambridge Springs personnel and Cambridge 14 Springs inmates?</p> <p>15 A. Not that I'm able to recall.</p> <p>16 Q. What about with Deputy Utts. Did 17 you ever address that topic in a general 18 sense?</p> <p>19 A. Not that I'm able to recall.</p> <p>20 Q. Do you have a recollection of 21 having such a discussion with Deputy 22 Karmanic?</p> <p>23 A. Not that I'm able to recall.</p> <p>24 Q. Okay. Do you have any 25 recollection of having such a discussion</p>
<p>1 I'm not asking you about a 2 specific inmate's complaint, this is a 3 much broader question. Did you ever 4 discuss with Superintendent Wolf any 5 concerns you might have had about 6 inappropriate sexual contact, sexual 7 harassment that were manic encounters 8 between Cambridge Springs personnel and 9 Cambridge Springs inmates? I'm asking 10 that in a general sense as opposed to you 11 early testified about going to 12 Superintendent Wolf, I think, on at least 13 one other occasion in response to a 14 specific complaint?</p> <p>15 A. Yes. Given my previous testimony 16 the answer is yes. I mean, I told you 17 there was at least one instant where I 18 did that. So the answer to your question 19 would be yes.</p> <p>20 Q. Okay. I'm asking about a ---.</p> <p>21 ATTORNEY HALLORAN: 22 If you could repeat the 23 question again? Listen carefully 24 to the question.</p> <p>25 BY ATTORNEY KRAKOFF:</p>	<p>Page 163</p> <p>1 with any member of the Cambridge Springs 2 staff?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And who was that?</p> <p>5 A. Mr. Carl Zimmerman.</p> <p>6 Q. And can you explain when that 7 occurred and what was said?</p> <p>8 A. Yeah. After the inmate that I 9 spoke previously about disclosed to me 10 that she had observed Mr. Zimmerman 11 kissing Ms. Gunderson in the basement of 12 the dietary department, although I felt 13 that I needed to keep what the inmate had 14 told me confidentially --- confidential, 15 I also felt that there was certainly a 16 good chance that this was true and that 17 Mr. Zimmerman was inappropriate in his 18 conduct. And I made a decision to 19 confront him personally about it.</p> <p>20 Q. And you did?</p> <p>21 A. Yes, I did.</p> <p>22 Q. And why don't you describe that 23 encounter?</p> <p>24 A. That encounter involved sitting 25 down with him in a private way at</p>

<p>1 lunchtime and basically telling him in a 2 very general way that for a staff member 3 to become involved sexually with one of 4 the inmates here is inappropriate 5 conduct, that it's really a breach of 6 trust and that many, many of the women 7 here are survivors of childhood sexual 8 abuse, incest and that they're not in a 9 position to consent to sexual 10 interactions with a staff member.</p> <p>11 Q. <b>And that was a one-on-one</b> 12 <b>discussion between --- you said that one</b> 13 <b>to one to Zimmerman?</b></p> <p>14 A. Mr. Zimmerman, yes.</p> <p>15 Q. <b>There weren't other people</b> 16 <b>present?</b></p> <p>17 A. No.</p> <p>18 Q. <b>And did he have a response?</b></p> <p>19 A. Yes, he did.</p> <p>20 Q. <b>What did he say?</b></p> <p>21 A. He became defensive. He told me 22 that his wife met all of his needs and 23 that he wasn't involved with any of the 24 inmates sexually here.</p> <p>25 Q. <b>Okay. And was that the only</b></p>	<p>Page 166</p> <p>1 Q. <b>I understand. My question really</b> 2 <b>had related to whether you had ever been</b> 3 <b>questioned by the superintendent or</b> 4 <b>anybody else regarding possible sexual</b> 5 <b>abuse, a general --- not in relation to a</b> 6 <b>specific allegation that you might have</b> 7 <b>brought to his attention?</b></p> <p>8 A. Yes. That's why I answered it 9 the first way because I'm trying to get 10 the specific general stuff down here.</p> <p>11 Q. <b>In other words, let me give you a</b> 12 <b>scenario. Superintendent Wolf or Deputy</b> 13 <b>Utts or Deputy Karmanic meets with you at</b> 14 <b>some point either in their office or</b> 15 <b>somewhere else --- in your office, and</b> 16 <b>says, Ms. Wolfgang, have you received any</b> 17 <b>information about possible sexually</b> 18 <b>inappropriate conduct between a member of</b> 19 <b>the staff and an inmate? That's what I</b> 20 <b>meant.</b></p> <p>21 A. And my answer is --- remain as 22 they have been. No. I do not recall 23 ever any general discussions of that 24 nature.</p> <p>25 Q. <b>Okay. In the same question with</b></p>
<p>1 discussion you had with him about that?</p> <p>2 A. Yes, sir.</p> <p>3 Q. <b>Have you ever been questioned in</b> 4 <b>a general sense by Superintendent Wolf,</b> 5 <b>Deputy Utts, Deputy Karmanic, Captain</b> 6 <b>Bartlet, Captain Lazenbee (phonetic) or</b> 7 <b>any lieutenant regarding possible sexual</b> 8 <b>abuse, sexual encounters, sexual</b> 9 <b>harassment or romantic relationships</b> 10 <b>between members of the Cambridge Springs</b> 11 <b>staff and Cambridge Springs inmates?</b></p> <p>12 A. Not that I'm able to recall. I 13 may have been confused. Regarding what I 14 had talked about as far as Superintendent 15 Wolf bringing it to my attention that to 16 not inform administration regarding what 17 the one inmate had told me she observed 18 in the dietary department, that may have 19 been an affirmative answer to that 20 question that you had. That he basically 21 told me in a general sense that whenever 22 somebody brings something like this to 23 you, it is your duty to report it to me 24 because it is a breach of security to the 25 institution.</p>	<p>Page 167</p> <p>1 respect to anybody from the central 2 office of the Department of Corrections, 3 has any member --- anybody who identified 4 himself or herself as being from the 5 central office ever questioned you in a 6 general sense about what, if anything, 7 you knew about sexual abuse, sexual 8 encounters, sexual harassment or 9 inappropriate sexual relations between 10 members of the staff and inmates?</p> <p>11 A. Can I have a word with him for a 12 minute?</p> <p>13 ATTORNEY KRAKOFF: 14 Certainly.</p> <p>15 SHORT BREAK TAKEN</p> <p>16 A. I had recalled in the context of 17 what we're doing here that there was a 18 point --- I'm not sure what year it was. 19 It was at least three years ago, where I 20 did sit down and get interviewed by a man 21 from what I thought to be Internal 22 Affairs, okay, by the name of Mike. And 23 your question about anybody out of the 24 institution triggered that. But for the 25 life of me I can't with any certainty</p>

<p>1 even recall what the issue was at that 2 point. I'm kind of leaning towards it 3 was the Zimmerman case, but I'm not sure.</p> <p>4 Q. <b>Was that Mike Walanon (phonetic)?</b></p> <p>5 A. I believe that's who it was, yes.</p> <p>6 Q. <b>Okay.</b></p> <p>7 A. The other thing that I wanted to 8 make sure that I was clear on was that, 9 you know, after that --- you know, at 10 that point, at that juncture where I 11 talked on the telephone with 12 Superintendent Wolf regarding the boo-boo 13 I had made by not reporting what Ms. 14 Foreman (phonetic) had told me she saw in 15 the basement of the dietary department. 16 The Superintendent made it crystal clear, 17 okay. That in any case like this if you 18 hear in any way, shape or form in any 19 context that staff are engaged in sexual 20 behavior with inmates, it is your duty to 21 report to me, that that is a breach of 22 security to the institution.</p> <p>23 Q. <b>Well, did you report what Lisa 24 Lambert told you about Officer Raun to 25 Superintendent Wolf?</b></p>	<p>Page 170</p> <p>1 sessions --- I'm telling everybody this 2 and nobody seems to be listening to me.</p> <p>3 Q. <b>I guess what occurs --- what is 4 raised in my mind is that if the 5 superintendent told you that it's a 6 security issue, why would you rely upon 7 an inmate representation that she had 8 told somebody else about it?</b></p> <p>9 A. I don't think I relied solely on 10 the inmate representation. I think I had 11 conversations with Charley Utts about it. 12 I think I had conversations with the 13 director of the parenting program about 14 it.</p> <p>15 Q. <b>Okay. I don't know what that 16 programming is. That's Ms. Miller?</b></p> <p>17 A. Yes.</p> <p>18 Q. <b>And what is the parenting 19 program?</b></p> <p>20 A. The parenting program is a 21 department within the institution that is 22 in place to assist incarcerated mothers 23 in maintaining contact with their minor 24 children while they're incarcerated.</p> <p>25 Q. <b>And Ms. Miller had told you that</b></p>
<p>1 A. Meaning the assault allegations?</p> <p>2 Q. <b>No. Meaning what she first 3 discussed with you about the stalking and 4 staring at her?</b></p> <p>5 A. No. Because as I've indicated in 6 my note here she told me that she had 7 reported that to other people, that it 8 had already been reported.</p> <p>9 Q. <b>Right. But did you take any 10 measures to determine whether she had 11 reported it to other people?</b></p> <p>12 A. I know that I had talked to 13 Martha Miller, the parenting director 14 there, and that she had reported those 15 allegations. I know that Ms. Lambert was 16 in routine communication with Charley 17 Utts and that she was talking to Deputy 18 Utts about this intermittently.</p> <p>19 Q. <b>How did you know that?</b></p> <p>20 A. Because Lisa told me that.</p> <p>21 Because I talked to Martha and Martha had 22 indicated that Ms. Lambert had come to 23 her with those allegations. And Lisa 24 told me that she said part of what her 25 frustration was at the onset of our</p>	<p>Page 171</p> <p>1 she had related what Lisa had told her 2 about Officer Raun to somebody; is that 3 correct?</p> <p>4 A. What is correct is that Ms. 5 Miller and I had discussions about Ms. 6 Lambert and about Ms. Lambert's 7 reporting. I'm not going to sit here and 8 say that I know that Martha Miller was 9 formally involved in the reporting 10 process because I don't know that.</p> <p>11 Q. <b>Okay. Had you known 12 Superintendent Wolf prior to working at 13 Cambridge Springs?</b></p> <p>14 A. No, sir.</p> <p>15 Q. <b>What about Deputy Superintendent 16 Utts?</b></p> <p>17 A. No, sir.</p> <p>18 Q. <b>Let me refer you to Exhibit Six. 19 Exhibit Six is a report from the special 20 investigations office. You'll see on the 21 second page of this exhibit --- it's 22 marked Two. This report is dated 23 December 5th, 1994. You'll see four 24 paragraphs from the bottom --- do you see 25 where it refers to you?</b></p>

<p style="text-align: right;">Page 174</p> <p>1 A. Uh-huh (yes).</p> <p>2 Q. It says, Sandra Wolfgang,</p> <p>3 psychologist, states Lambert did not show</p> <p>4 her the bruises from the alleged assault</p> <p>5 by Raun until October 12, 1994. Wolfgang</p> <p>6 described Lambert as a person who, quote,</p> <p>7 stalks their victims, end quote, and</p> <p>8 admitted to her of being involved in a</p> <p>9 sexual relationship with CO-1 Icker.</p> <p>10 Now, did you describe Lisa Lambert to</p> <p>11 anybody with the Department of</p> <p>12 Corrections as a person who stalks their</p> <p>13 victims?</p> <p>14 A. I don't recall saying that, but</p> <p>15 since it's quotes, it's possible that I</p> <p>16 did say that.</p> <p>17 Q. And then it says and admitted of</p> <p>18 her being involved in a sexual</p> <p>19 relationship with CO-1 Icker?</p> <p>20 A. I don't remember ever saying</p> <p>21 that.</p> <p>22 Q. Are you clear in your mind that</p> <p>23 you didn't say that?</p> <p>24 A. I'm as clear as I can be.</p> <p>25 Q. Which means what? On the scale</p>	<p style="text-align: right;">Page 176</p> <p>1 that if you tell me X, Y or Z, I have to</p> <p>2 go and report that to authorities. So if</p> <p>3 you want to talk to me about this, you</p> <p>4 have to look at these relationships as X,</p> <p>5 Y and Z. And the reason why I did that</p> <p>6 was because she was moving towards</p> <p>7 content that was very much suggestive</p> <p>8 that she was engaging in sexual activity</p> <p>9 with officers.</p> <p>10 As I've said to you before, I did</p> <p>11 not find her particularly credible. In</p> <p>12 fact, I did not believe 60 to 70 percent</p> <p>13 of what this lady told me. Okay. And</p> <p>14 that my purpose in this whole thing was</p> <p>15 to get to focus on the sexual</p> <p>16 preoccupation, this compulsive sexuality</p> <p>17 that I was seeing and to be able to deal</p> <p>18 with that in the context of counseling</p> <p>19 without getting bogged down, okay, and a</p> <p>20 lot of reporting to the powers that be.</p> <p>21 Okay. At no point up until the point of</p> <p>22 her coming to me alleging assault by</p> <p>23 Officer Raun did this woman indicate any</p> <p>24 imminent fears on the part of herself as</p> <p>25 far as officers. My impression up to</p>
<p style="text-align: right;">Page 175</p> <p>1 from one to ten, are you clear all the</p> <p>2 way up to a ten or a nine?</p> <p>3 A. Yes, sir.</p> <p>4 Q. A ten?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay.</p> <p>7 A. Alluded to, suggested.</p> <p>8 Q. I'm sorry, suggested what?</p> <p>9 A. Suggested being involved in a</p> <p>10 sexual relationship, alluded to.</p> <p>11 Q. Okay. Are you saying that you</p> <p>12 told somebody from the Department of</p> <p>13 Corrections in the context of this</p> <p>14 investigation that Lambert alluded to</p> <p>15 being involved in a sexual relationship</p> <p>16 with Icker?</p> <p>17 A. I don't know what I said verbatim</p> <p>18 to the man who wrote this report, okay.</p> <p>19 I do know that everything that I told you</p> <p>20 so far is the truth here. And that</p> <p>21 because her language was such that I felt</p> <p>22 that the reporting was going to be</p> <p>23 mandatory. At some point, I stopped her</p> <p>24 and I said, look, these are the rules.</p> <p>25 This is what I have to do. Understand</p>	<p style="text-align: right;">Page 177</p> <p>1 that point was that she was in pursuit of</p> <p>2 sexual interaction with officers, not</p> <p>3 that she was being pursued or that they</p> <p>4 were after her.</p> <p>5 Q. Did you go to Superintendent Wolf</p> <p>6 or to Utts or to Karmanic or to anybody</p> <p>7 else at this prison and say we have ---</p> <p>8 there's a woman in here who I'm seeing</p> <p>9 who's in pursuit of officers in a sexual</p> <p>10 way?</p> <p>11 A. I think I probably did have</p> <p>12 conversations with staff members that</p> <p>13 were involved in the case regarding my</p> <p>14 concerns about Lisa Lambert's</p> <p>15 hypersexuality or apparent</p> <p>16 hypersexuality. I don't think that it</p> <p>17 was anything that was not known in a kind</p> <p>18 of a pervasive way in this institution.</p> <p>19 Q. Well, you said officers involved</p> <p>20 in this case. Who are you referring to?</p> <p>21 Who did you tell?</p> <p>22 A. Sorry, sir, I don't understand.</p> <p>23 Q. Who did you go to and say, I'm</p> <p>24 talking with an inmate who is in a sexual</p> <p>25 way pursuing members of the staff? Who</p>

<p>1 <b>I did you tell that to?</b></p> <p>2 A. I talked with her assigned 3 corrections counselor about it, Ms. Joan 4 Kalasa (phonetic). I may have had 5 discussions with Deputy Karmanic about 6 it. I don't remember exactly.</p> <p>7 Q. <b>What about with Wolf?</b></p> <p>8 A. I don't remember ever talking to 9 Superintendent Wolf about it?</p> <p>10 Q. <b>What about Utts?</b></p> <p>11 A. I may have had discussions with 12 Deputy Superintendent Utts about it. 13 Again, it was not in my opinion any 14 secret. There was nothing secretive 15 about the fact that Lisa Lambert was 16 flamboyant and seductive in her 17 interactions with the officers.</p> <p>18 Q. <b>You said something earlier though 19 alluded to --- did Lisa Lambert allude to 20 a sexual relationship with Icker to you?</b></p> <p>21 A. Yes.</p> <p>22 Q. Now, turning to page nine --- 23 you'll see on page eight Walanon 24 identifies --- this is what his summary 25 is of an interview with you.</p>	<p>Page 178</p> <p>1 Q. --- the investigator from the OC 2 this information?</p> <p>3 A. No, I don't.</p> <p>4 Q. Is it your testimony that you 5 didn't tell him that?</p> <p>6 A. It's my testimony that I don't 7 have any recollection of telling him that 8 and I honestly don't.</p> <p>9 Q. Are you denying that you didn't?</p> <p>10 A. I don't know why he would write 11 it down if I didn't say it, but I don't 12 have any recall of saying that to him, 13 no.</p> <p>14 Q. Did you tell anybody --- strike 15 that.</p> <p>16 Had Lisa told you that she had a 17 relationship with Icker?</p> <p>18 A. Yes. She told me that she had a 19 relationship with Icker. I've already 20 testified to that.</p> <p>21 Q. Did she tell you that Icker and 22 she had met for sex?</p> <p>23 A. Not unless she dealt with A, Bs 24 and Cs.</p> <p>25 Q. Did she tell you that she and</p>
<p>1 A. Page nine or page eight?</p> <p>2 Q. <b>Page eight.</b></p> <p>3 A. Okay.</p> <p>4 Q. This says that on November 2nd, 5 1994, the above employee was interviewed 6 by this investigator with the State 7 Correctional Institution Cambridge 8 Springs where she has been employed for 9 20 months. He advised the following. 10 Now, does this refresh your recollection 11 as to the time that you were interviewed 12 by Mike, the person you referred to as 13 Mike?</p> <p>14 A. Yes, it does.</p> <p>15 Q. Okay. You'll see in the next to 16 the last paragraph on page nine according 17 to this report you related that there had 18 been an admitted relationship with Icker. 19 That the officer and Lambert had met for 20 sex, were alone in the field house once 21 when inmate Lisa Wazel (phonetic) stood 22 watch and recently had sex in the 23 bathroom of Luder. Do you have any 24 recollection of telling ---</p> <p>25 A. No, I do not.</p>	<p>Page 179</p> <p>1 Icker had been alone in the field house 2 once when Lisa Wazel stood watch?</p> <p>3 A. For some reason Lisa Wazel 4 standing watch rings a bell in my head.</p> <p>5 Q. Did she tell you that she had 6 recently had sex in the bathroom of Luder 7 with Icker?</p> <p>8 A. That I don't have any recall of.</p> <p>9 Q. Did you go to anybody in the 10 administration in this institution, 11 Cambridge Springs, to report that Lisa 12 and Icker had been alone in the field 13 house once when Lisa Wazel stood watch?</p> <p>14 A. Say that again.</p> <p>15 Q. Did you tell anybody in this 16 administration from Superintendent Wolf 17 on down --- let me limit the question 18 first to the superintendent or either of 19 the deputy superintendents that Lisa told 20 you that she had been alone in the field 21 house once when Lisa Wazel stood watch?</p> <p>22 A. No.</p> <p>23 Q. Now, wouldn't that have 24 constituted a breach of security if that 25 had occurred?</p>

<p style="text-align: right;">Page 182</p> <p>1 A. Yes, it would have, sir.</p> <p>2 Q. Do you have any explanation as to 3 why --- then you didn't follow 4 Superintendent Wolf's instruction to 5 report that information?</p> <p>6 A. The only explanation I have is 7 that we were --- again, we were dealing 8 with letters rather than names, okay. 9 Affective the session that I told her 10 what I told you I told her. It is quite 11 possible, okay, that I knew who B was.</p> <p>12 Q. Okay.</p> <p>13 A. Okay. And that this was what I 14 was thinking that she was telling me, 15 but, again, her credibility was such, 16 okay, that, you know, under the 17 circumstances I was going to gather data 18 before I went running with this because 19 of the fact that we had established the 20 letter things.</p> <p>21 Q. Okay. So --- I'm sorry.</p> <p>22 A. And again, honestly I had 23 absolutely no confidence in this woman's 24 credibility, absolutely none.</p> <p>25 Q. So that I understand what you're</p>	<p style="text-align: right;">Page 184</p> <p>1 okay, who had a mission to engage 2 selected male officers in sex with her, 3 yes.</p> <p>4 ATTORNEY KRAKOFF: 5 Mr. Halloran, this refers 6 to attachments, this exhibit, 7 attachment one through six. 8 Superintendent Wolf's referral, a 9 copy of Lambert's signed 10 statement refusing to allow the 11 taping of her interview, a copy 12 of the housing unit logs, a copy 13 of Lambert's medical incident 14 reports, colored photographs of 15 Lambert, copy of polygraph report 16 for CO to John Raun. Now, I 17 believe that I have received some 18 of this. We had photographs. I 19 don't think they were color, but 20 we received the photocopy of the 21 photographs. I believe we 22 received the copy of housing unit 23 logs. I don't believe that I 24 have a copy of Superintendent 25 Wolf's referral, although I</p>
<p style="text-align: right;">Page 183</p> <p>1 saying, Lisa might have told you that she 2 was alone in the field house once with 3 officer B, without naming the officer, 4 when Lisa Wazel stood watch. Is that 5 your testimony?</p> <p>6 A. That's a possibility, yes. I 7 would like to add that at no point, okay, 8 in my sessions with Lisa Lambert did she 9 indicate to me that any of what she was 10 coming up with in terms of sexual 11 interactions with officers was unwanted. 12 Okay. Or was in any way assaultive never 13 ever once.</p> <p>14 Q. Well, did you view the prison as 15 a setting --- your being a psychologist, 16 as a setting where Lisa really was in 17 control of the situation and was 18 consenting to these things?</p> <p>19 A. First of all, an inmate is not in 20 control of the situation when they were 21 incarcerated. Okay.</p> <p>22 Q. Because I'm trying to understand 23 ---.</p> <p>24 A. I do believe that Ms. Lisa 25 Lambert was a highly seductive person,</p>	<p style="text-align: right;">Page 185</p> <p>1 might. But I'm quite sure that 2 we don't have a copy of the 3 polygraph report for John Raun. 4 And in any event, I don't need it 5 next week or anything of that 6 sort. But I think that if we do 7 proceed to trial on this, that we 8 should have that whole exhibit as 9 it --- as it originally --- the 10 whole document as it originally 11 was with the attachments. So 12 we're requesting that.</p> <p>13 ATTORNEY HALLORAN: 14 Your requesting it. Yes. 15 We'll get it for the exhibit.</p> <p>16 ATTORNEY KRAKOFF: 17 Thank you. And I think 18 for purposes, since I have a 19 photocopy of Lisa's --- when they 20 took pictures of her thigh and 21 that sort of thing, it's a very 22 bad copy. If you have --- 23 somebody probably has the 24 originals and we'll pay for that 25 obviously. But what I'd like</p>

<p>1 would be as it was like a clear 2 --- they can do photocopying of 3 ---.</p> <p>4 A. That would be in her medical 5 file.</p> <p>6 ATTORNEY KRAKOFF: 7 Just a clear colored 8 photograph so that we have what 9 it --- basically what it looked 10 like. I'd appreciate that. And 11 that brings to an end this 12 deposition. I don't have any 13 other questions. You might.</p> <p>14 OFF RECORD DISCUSSION 15 CROSS EXAMINATION 16 BY ATTORNEY HALLORAN:</p> <p>17 Q. Ms. Wolfgang, earlier in your 18 deposition you were discussing the 19 procedures followed in your prior 20 employment as it relates to taking notes 21 of interviews with individuals that you 22 were seeing. In those situations, that 23 you generally follow whatever the format 24 was that the employer indicated you 25 should follow?</p>	Page 186	<p>1 information from Ms. Lambert that 2 Sergeant Raun was staring at her in the 3 dining room and was stalking her? 4 A. I don't know if she used the word 5 stalking. 6 Q. What do you recall that ---? 7 A. She might have used the word 8 stalking. 9 Q. What was the actual conduct that 10 she was complaining about? 11 A. That he was kind of ubiquitous. 12 Everywhere she went he was there. 13 Q. And later on in your deposition 14 you use the term sexual harassment --- 15 when you used the term sexual harassment, 16 were you specifically referring to the 17 allegations of Ms. Lambert that every 18 time she turned around Raun was there and 19 that he was staring at her in the dining 20 hall? 21 A. Yeah. And I may have used the 22 term sexual harassment inappropriately. 23 I probably should have stuck to behaviors 24 that she reported. 25 Q. You also testified regarding the</p>
<p>1 A. Yes, sir.</p> <p>2 Q. And when you took your notes 3 regarding interviews with Lisa Lambert 4 that were referred to in Exhibit Ten, 5 were you following what your 6 understanding of the format was generally 7 for interviews that you were conducting? 8 A. Yes.</p> <p>9 Q. And the same format you followed 10 with other inmates you interviewed at 11 that same time? 12 A. Yes.</p> <p>13 Q. Did you also indicate at some 14 point that format changed from being very 15 general, just indicating the date of the 16 meeting, to a format that was more 17 specific as to the events that occurred? 18 A. Yes, sir.</p> <p>19 Q. And as an example of that the 20 notes you took regarding Robin Phillips, 21 which are dated August 24th, 1998? 22 A. Yes. That's the format that I 23 use routinely now.</p> <p>24 Q. In the course of your testimony 25 you indicated that you received</p>	Page 187	<p>1 time following the allegations made that 2 Sergeant Raun physically assaulted Lisa 3 Lambert in the stairwell and that you had 4 concerns that Lisa Lambert was placed in 5 the RHU, do you recall that? 6 A. Uh-huh (yes).</p> <p>7 Q. Was part of your concern that 8 Superintendent Wolf had overruled what 9 you thought was the decision of Deputy 10 Superintendent Utts and the impact that 11 would have on Lisa Lambert? 12 A. Yes.</p> <p>13 Q. Do you have any reason to doubt 14 the superintendent's concern for 15 Lambert's safety when he placed her in 16 the RHU? 17 A. No. I think that initially my 18 upset was based on the issue of trust and 19 the trust between Ms. Lambert and myself. 20 And the fact that I had gotten the 21 assurance from Deputy Utts that she 22 wouldn't be locked up and then shortly 23 after that she ended up being locked up 24 and how that may have impacted her trust 25 in me. At the time, I didn't understand</p>

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1 what I understand now in terms of  
 2 Superintendent's Wolf rational for making  
 3 the decision that he made. I do  
 4 understand very well now his rational for  
 5 making that decision which was basically  
 6 about her protection and her safety.

7 Q. **Earlier in your deposition you**  
 8 **initially indicated that you were not ---**  
 9 **or you didn't believe you were**  
 10 **interviewed by the Office of Professional**  
 11 **Responsibility. After reviewing the**  
 12 **report done by Michael Walanom, does that**  
 13 **refresh your recollection that you were**  
 14 **interviewed regarding Lisa Lambert ---**

15 A. Yes.

16 Q. **--- and Officer Icker?**

17 A. Well, obviously ---.

18 Q. **With regard to Lisa Lambert?**

19 A. But this is something that I  
 20 really didn't have any recall of up until  
 21 just like today.

22 Q. **And at least according to the**  
 23 **report you were interviewed on November**  
 24 **2nd, 1994?**

25 A. Yes.

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1 Q. **You were discussing interviews**  
 2 **you had with Ms. Vasquez and this one ---**  
 3 **did you indicate that when she was**  
 4 **talking to you about the conduct of Mr.**  
 5 **Miller that initially at least she felt**  
 6 **that it was a matter that she could take**  
 7 **care of by herself and she could bring to**  
 8 **an end?**

9 A. Yes.

10 ATTORNEY HALLORAN:

11 That's all I have.

12 ATTORNEY KRAKOFF:

13 That ends the deposition.

14 Thank you. Is she going to read?

15 ATTORNEY HALLORAN:

16 She's going to read.

17 A. Read.

23 \* \* \* \* \*

24 DEPOSITION CONCLUDED AT 2:45 P.M.

25 \* \* \* \* \*